TRUCK CARGO SECUREMENT REGULATIONS AND ENFORCEMENT

(103–32)

Y 4.P 96/11:103-32

Truck Cargo Securement Regulations...

_____RING

BEFORE THE

SUBCOMMITTEE ON
INVESTIGATIONS AND OVERSIGHT

OF THE

COMMITTEE ON
PUBLIC WORKS AND TRANSPORTATION
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

JULY 27, 1993

Printed for the use of the
Committee on Public Works and Transportation

JAN 7 1994

U.S. GOVERNMENT PRINTING OFFICE

73–066 WASHINGTON : 1993

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-041781-3

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, July 22, 1993.

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT

MEMORANDUM

To: Members, Subcommittee on Investigations and Oversight.
From: Subcommittee staff.
Re: Summary of subject matter for Investigations and Oversight hearing on Truck Cargo Securement Regulations and Enforcement, Tuesday, July 27, 1993, Room 2167 Rayburn House Office Building, 10:00 a.m.

OVERVIEW

On Tuesday, July 27, 1993 at 10:00 a.m. in 2167, the Subcommittee on Investigations and Oversight will meet to receive testimony on the adequacy of current federal regulations on truck cargo securement as well as enforcement of those regulations. The hearing was prompted by several cargo securement incidents and accidents which have occurred in the New York area over the past several years. Congressman Jack Quinn (R–NY) has requested the hearing to highlight the problem of inadequate securement on flatbed trailers, and to explore possible solutions.

Since March of 1990, there have been nine separate incidents in Western New York attributed to inadequate load restraints, three of which resulted in fatalities. Most of these have involved open flatbed trailers carrying coils of steel or aluminum. One of the more publicized accidents occurred on the Niagara Section of the New York Thruway on October 5, 1992. A tractor trailer released five steel coils, crushing four people to death and injuring another. Why so many accidents are occurring in New York is unclear. The number of steel mills in the area, and proximity to the Canadian border have been offered as possible explanations. Attached are brief examples of the accidents that have occurred.

FHWA has taken the position that the basic current securement regulations are adequate for coils and that the recent accidents are due to improperly secured cargo. FHWA believes that focused enforcement of the regulations as well as increased motor carrier training will adequately address the problem.

BACKGROUND

The current federal regulations on cargo securement have been in existence since 1973 and are based on industry practices and research that was available at that time.

In general, these regulations are performance based. However, special rules apply for vehicles transporting metal articles and in particular coils. Vehicles transporting metal must either have sides or stakes, and endgates. If they lack these features, they must have at least one tiedown for each 10 linear feet of lading, or have "other means" of protecting the cargo from shifting or falling that is as effective as the specified options.

Vehicles transporting coils that weigh 5,000 pounds or more must be secured with a combination of tiedown assemblies (breaking strength of assemblies must be one and one-half times the weight of the load) and timber blocking (Section 393.100(3)). Because steel coils with bent or damaged edges are unacceptable to end users, carriers transporting steel coils are careful that tiedown assemblies do not damage edges. Some have argued that the concern over damaged edges has contributed to the insufficient use of tiedown assemblies for steel coils. Furthermore, they suggest that the use of a "cradle" would be more effective and less damaging to the coil.

Legislation has been introduced in New York State which would require trucks transporting steel coils in New York to secure them in cradles attached to the frame of the truck. Opponents of mandated use of cradles argue that it would limit the type of cargo a carrier could haul and would decrease the payload amount. Also, cradle use would increase the total load weight thereby increasing the number of required tiedown assemblies. A study of the use of cradles as a securement device is being conducted at Syracuse University.

The consensus of those involved in roadside inspections, as well as those in the industry, is that current federal requirements for cargo securement in 49 C.F.R., Section 393.102(b) have created uncertainty with respect to the proper level of securement. This in turn has resulted in confusion and non-compliance.

Federal rules require that: the aggregated static breaking strength of the tiedown assemblies used to secure an article against movement in any direction must be at least one and one-half times the weight of that article. 49 C.F.R., Section 393,102(b)

This "static breaking strength" standard has two basic problems, first, most manufacturers of securement devices do not indicate "static breaking strength" on securement devices due to liability concerns. Therefore, it is difficult for truckers to properly estimate the appropriate amount of securement for loads.

Manufacturers of securement devices are hesitant to certify breaking strength unless a test has been performed, on a per item basis, which results in destruction of the item tested. Also of concern to manufacturers is the normal degradation of devices which occurs during use. Any strength-of-materials break-test data derived from tests on component products when the item was new and unused, would not necessarily apply to the same item after being used.

Secondly, the breaking strength standard creates confusion because many people believe they can safely load a device to just below the breaking strength. According to the Commercial Vehicle

Safety Alliance[1] (CVSA), before failure the securement device will pass through its yield point. This results in materials in the securement device stretching to such an extent that the device will be permanently deformed. While the device may not break when first taken past its yield point, the device's strength will be reduced to such an extent that failure is practically guaranteed if ever loaded that high again.

WORKING LOAD LIMIT

On January 11, 1993, the Federal Highway Administration (FHWA) granted a petition for rulemaking to amend the regulation governing "tiedown assemblies" used in cargo securement. The Notice of Proposed Rulemaking is currently being drafted by FHWA and is expected to be issued in the next three to four weeks. CVSA had petitioned FHWA on October 29, 1990 to amend 49 C.F.R., Section 393.102(b) to change "static breaking strength" to "working load limit" (WLL), which is the breaking strength minus a safety factor of two-thirds. In other words, the WLL indicates the amount that can be safely loaded versus a breaking strength standard which indicates at what point a securement device will fail.

The WLL standard has broad support within the industry. Most manufacturers of securement devices already mark their products with the WLL. CVSA noted in its petition to FHWA that the WLL would "promote improved safety in cargo securement" and "make the tiedown regulations easier to understand, use, and enforce." Proponents of the proposed rule change argue that while the WLL standard will not increase or decrease the number of securement devices used on a load, it will "promote [a] direct correlation between the rule (49 C.F.R., Section 303.102(b)) and the capabilities actually either labeled on or indicated by loan securement equipment."

UNIFORMITY

Currently, several western states use a California standard termed "load rating" which is "no more than 80% of the breaking strength or force required to cause permanent deformation (whichever is less) of the weakest component used in the securement device." Although the load rating standard is applicable only for intrastate traffic in certain states, it contributes to the confusion surrounding the appropriate amount for load securement. For interstate traffic, compliance with federal regulations is required.

Canada has already adopted a WLL standard. Accordingly, adoption of WLL in the U.S. would provide uniformity for cross border traffic.

ENFORCEMENT

Because of the number of accidents and incidents involving falling or shifting steel and aluminum cargo, the State of New York undertook a cargo securement inspection initiative. Beginning in February 1993, the New York Department of Transportation undertook random roadside inspections. Since February, the New

[1] CVSA is an association of state and provincial officials who administer and enforce motor carrier safety laws in the U.S. and Canada.

York inspection initiative has revealed that, as of June 11, 1993, 753 vehicles have been inspected and 361 or 48% have been placed out of service for improper load securement. Seventy percent of those placed out of service were from other states or Canada.

More recently, New York State Transportation officials conducted inspections in Buffalo and suburban Hamburg in early July, 1993. During that inspection 23 trucks were examined and 15 were found to have improperly secured loads of steel or aluminum.

Because of the number of load securement violations, the New York Commercial Vehicle Safety Bureau has suggested that the U.S. DOT's Office of Motor Carrier Safety consider coordinating a nationwide enforcement effort directed at load securement compliance. New York also takes the position that current federal regulations do not place any responsibility for proper securement with the shipper. They believe that the shipper should assume responsibility for proper securement before it leaves the facility.

TRAINING

Efforts to increase compliance mean more enforcement; however, a combination of enhanced enforcement and training for shippers, drivers and inspectors on proper securement procedures would also be very beneficial. As already indicated, confusion surrounding the regulation can be blamed, in part, for non-compliance. In July, the Office of Motor Carriers issued an "On Guard" bulletin advising carriers to pay particular attention to their load securement policies and practices including a review of the regulations and equipment check. This bulletin was developed in response to the recent spate of accidents involving coils.

The CVSA has produced guidelines and a video to help drivers properly secure a load. To date, carrier response to the CVSA training materials has been encouraging but, unfortunately, participation by the shipping community has been limited. Given that it is not unusual for the shipper to actually load the product, it is important that the shipping community be well acquainted with federal requirements with respect to tying that product down so that when it leaves the plant, it is properly secured.

In addition to the CVSA effort, the Office of Motor Carrier Safety has been asked to consider what role they should play in training industry on federal cargo restraint requirements.

ANTICIPATED WITNESSES

Representatives of the following organizations have been invited to present testimony at the hearing:

Federal Highway Administration
American Trucking Associations
New York Department of Transportation
New York State Police
Gibraltar Steel Corporation

ATTACHMENT—EXAMPLES OF LOAD SECUREMENT ACCIDENTS

(1) March 9, 1990, on I–81 south of Syracuse, no carrier identified; 4 abandoned aluminum coils found on roadway; pavement & guardrail damage.

(2) March 13, 1990, on State Route 481 curve in Oneida County; Singer Transport, Niagara Falls, NY; driver of 1985 Mack truck pulling a flatbed trailer loaded with two 20,000-lb. aluminum coils lost control (1 am), overturning and crushing his cab; police report cites load shift as possible cause (apparently single vehicle accident); 1 killed: the truck's driver.[2]

(3) August 5, 1991, on Ontario Highway 137, in Ontario, Canada, near Thousand Island Bridge, headed towards New York border; no carrier identified; aluminum coil fell off truck; 4 killed.

(4) September 4, 1992, fatal accident, in Cabell County, W. Virginia; a 5 ton roll of aluminum fell from a truck on Interstate 64; 1 killed.

(5) October 5, 1992, Buffalo, Erie County on Niagara section of NY Thruway; owned by Ken Staub Jr. Trucking; truck pulling two 1966 tandem Fruehauf flatbed trailers loaded with five 20-ton coils swerved to avoid slowing traffic and hit a New Jersey-type median barrier sending coils over the barrier on to opposing traffic; 4 killed, 1 injured.[2]

(6) January 27, 1993, in Town of Hamburg on State Rte. 75 at Rte. 5 circle; Anstrom Cartage Co., Mineral Ridge, Ohio; 35,000-lb coil broke canvas/wood side of trailer, driver felt load shifting and was cited for load securement violation; pavement damage.[3]

(7) March 25, 1993, on I–90, the New York State Thruway, Sheridan, New York, a flatbed trailer transporting steel tubing collided with a tank truck. The steel tubing shifted forward through the truck's headboard into the cab killing the driver instantly. A subsequent inspection showed that the steel was improperly secured; 1 killed: the truck's driver.

(8) May 5, 1993, on State Route 179 in Woodlawn, NY on exit ramp; Fred McCall Trucking of Ontario, NY; two 6000-lb steel rolls were lying flat, secured by 1¼″ metal straps to a wooden pallet which was not secured to the truck, and the pallet was covered by tarp and secured with 2″ cloth straps—the coils slid from under tarp on to the road; some pavement damage.[2]

(9) May 17, 1993, on the Tonowanda I–190/I–290 ramp to the NY Thruway; Gasel Transp. Lines of Marietta, Ohio; 41,650-lb steel coil broke free and landed on roadway; the driver was speeding, 45 mph on ramp with 30 mph warning speed; some guardrail damage and one injury.[2]

(10) June 22, 1993, on Kensington Expwy near NY Thruway entrance; truck carrying junk cars overturned, driver charged with speeding.

(11) July 9, 1993, a 23 ton steel coil rolled off a tractor trailer at the intersection of St. Francis Drive and Camp Road in Hamburg, NY. Driver was charged with driving with an unsecured load and failure to keep a current log book. Cargo was being transported from Bethlehem Steel of Lackawanna to Norcross, GA.

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[2] Details from N.Y. DMV accident reports received by I&O July 2, 1993.
[3] Town of Hamburg accident report.

TRUCK CARGO SECUREMENT REGULATIONS AND ENFORCEMENT

TUESDAY, JULY 27, 1993

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT,
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC.

The subcommittee met, pursuant to call, at 10 a.m., in room 2167, Rayburn House Office Building, Hon. Robert A. Borski (chairman of the subcommittee) presiding.

Mr. BORSKI. The subcommittee will come to order.

The subcommittee today will be looking at the issue of cargo securement on trucks, an issue which is far from glamorous but which could potentially affect anyone on our Nation's roads.

Far too many people are familiar with the feeling of being totally helpless when driving at high speeds and encountering large objects in the road. Unfortunately, there have been a significant number of these types of incidents in recent years, especially in upstate New York.

I want to thank the gentleman from New York, Mr. Quinn, for bringing this matter to the attention of the subcommittee, and I commend him for the great diligence with which he has pursued this matter.

The issues before the subcommittee are whether the existing laws and regulations are adequate and whether they are being properly enforced. Specifically, there is the issue of the status of the rules under consideration by the Federal Highway Administration at the request of the Commercial Vehicle Safety Alliance.

Another important question is the unusually high incidence of accidents in the Buffalo, New York, area involving poorly secured loads. There have been seven such accidents in that area in the past two years, resulting in eight deaths.

We will be hearing from Federal and State officials today concerning these questions of the adequacy of the laws and enforcement as well as from the representatives of the trucking industry.

It is clear from the number of accidents and deaths in the Buffalo area that action must be taken to protect travellers. I hope that this subcommittee hearing will offer a means of determining the cause of the Buffalo accidents and a means of preventing them.

The Chair would now like to recognize the distinguished gentleman from Oklahoma, Mr. Inhofe.

Mr. INHOFE. Thank you, Mr. Chairman. I was going to defer to the Ranking Member of the parent committee, but I will do that in just a minute.

As you have already indicated, today's hearing will focus on cargo securement and will pay particular attention to recent accidents in western New York involving steel coils which have fallen off of trucks during transit. Obviously, this is a safety issue that has enormous consequences. Unfortunately, several lives have already been lost due to inadequate attention to and adherence to the Federal cargo securement regulations.

It is my hope that our deliberations this morning will not only clarify the issues involved but will establish a point of reference for our ongoing work on this crucial effort.

I want to thank you, Mr. Chairman, for your willingness to accommodate a hearing on such a short notice. I know you share my concern over the very serious safety implications of inadequate cargo securement and join me in wanting to bring about a workable solution to this problem.

I also want to recognize our colleague, Jack Quinn, for bringing this issue to the attention of the subcommittee. Given that several of the accidents have occurred in his district, Jack has a heightened sense of urgency on this and is to be commended for his ongoing attention to it. We would not be addressing this issue today if it were not for Congressman Quinn.

I also want to welcome Rodney Slater. I believe this is the first opportunity that he has had to appear before this committee or any other committee, and we are honored that you chose our subcommittee for this purpose, at least since your appointment as Administrator of the Federal Highway Administration. In my neighboring State of Arkansas we have a lot in common, a lot of friends in common, and I am delighted you are here. We are honored to have you here this morning and look forward to working with you.

Finally, later on in the hearing you will be hearing about a device called a tie-down calculator. This is a tie-down calculator. It is used to determine how many tie-down assemblies are needed for proper load securement.

I am pleased to point out to the Members of this committee and those who are here today that this device was invented by a constituent of mine, Mr. Charles Lucas, and is produced by the Crosby Group, which is headquartered in Tulsa, Oklahoma.

I regret that I won't be able to stay for the entire hearing today. I am on the Armed Services Committee, and we are marking up today the defense bill, and so I will have to be attending that also.

Thank you very much.

Mr. BORSKI. The Chair thanks the gentleman.

The Chair now will recognize the distinguished gentlewoman from Michigan, Miss Barbara-Rose Collins.

Miss COLLINS of Michigan. Mr. Chairman, I thank you for calling this hearing on truck securement regulations and enforcement, and I would also like to thank our witnesses for providing testimony on this important issue.

I would also like to thank Representative Jack Quinn of New York for bringing this issue to our attention after several serious truck accidents occurred in New York.

Most of the accidents have been attributed to the shifting or loss of cargo from trucks which were hauling large items, and these accidents have caused injuries, property damage and fatalities. In the

New York area alone, there have been 11 incidents related to truck securement.

The disturbing thing is that we do not know if the shifting or loss of cargo caused the accidents or if the cargo shifting is the result of another matter.

I represent an area that has a great deal of interstate trucking because of its close proximity to Canada. The idea that these trucks, which may carry up to five tons of steel or of some other item, may not be properly secured is actually terrifying. It is terrifying because of its direct threat to our highway safety and that of the truck drivers themselves.

I commend Representative Quinn for bringing this issue before this body for review, and we must address the issue before it gets out of hand and causes more damage to property and loss of lives.

Thank you, Mr. Chairman.

Mr. BORSKI. The Chair thanks the gentlewoman.

The Chair would now like to recognize the distinguished Ranking Member of the full committee, the gentleman from Pennsylvania, Mr. Shuster.

Mr. SHUSTER. Thank you very much, Mr. Chairman.

I certainly am pleased that we are having this extremely important hearing today, and I want to emphasize that we would not be focusing on this extremely important safety issue but for the tremendous efforts of Congressman Quinn, who is going to be our first witness here.

I am not sure Congressman Quinn was even sworn in when he first started to work on this issue and came to us and said how important it was. And, indeed, the evidence is overwhelming that it is a significant safety issue, but I think that the important factor from a national point of view is that this issue is not limited to Buffalo, New York. We are told by the Office of Motor Carrier Safety that the issue is not limited to New York-based carriers. It is national in scope. And so the Nation owes you a debt of gratitude, Congressman Quinn, for the bulldog tenacity with which you have pursued this very important safety issue.

Mr. QUINN. Thank you.

Mr. SHUSTER. Thank you.

Mr. BORSKI. The Chair thanks the gentleman.

The gentleman from California, Mr. Baker.

Mr. BAKER. Thank you, Mr. Chairman, for holding this hearing on, again, short notice.

Commerce and trucking is very important to the lifeblood, the economic lifeblood of America. But when we have a rash of accidents like this in the Buffalo area, the western New York State area, it is time maybe we get out our pencils and decide what is going wrong with commerce that this many accidents would occur in such a short period of time.

So I am sure that we will be looking at this and commend my colleague, Jack Quinn, from New York for taking our time to focus on this important project, and I will be interested in hearing the response from the truckers and from the transportation agency on this important matter.

Mr. BORSKI. We would like to welcome our first witness this morning, the distinguished gentleman from the State of New York, Congressman Jack Quinn.

Congressman Quinn, once again, I want to thank you for bringing this matter to the subcommittee's attention and for your diligence in moving us along. You may proceed.

TESTIMONY OF HON. JACK QUINN, A REPRESENTATIVE IN CONGRESS FROM NEW YORK

Mr. QUINN. Thank you very much, Mr. Chairman.

Let me begin any statement that I make this morning by thanking you, Mr. Chairman, Congressman Borski, and Congressman Inhofe, for your efforts, and thanking our full committee Chairman, Norm Mineta, and our Ranking Member, Bud Shuster, for addressing my concerns and putting this hearing together.

I asked for this hearing today, and all of you on both sides of the aisle have been very supportive in providing a forum, a national forum, to truly investigate the problem of truck cargo security regulations and enforcement.

Mr. Chairman, I am happy to appear today before my other colleagues who are here on the subcommittee to talk about an issue that is of serious concern to me and my constituents in western New York, but also, as Ms. Collins pointed out, across the country. This issue is one of public safety. Indeed, it is one of life and death.

During my first term here in the Congress, Mr. Chairman, I have discovered that we have a dangerous problem on our Nation's highways which needs to be addressed.

Last October, October 5 to be exact, during the morning rush hour in western New York, a flatbed tractor-trailer traveling on the New York State Thruway struck a median divider, snapped its cargo restraining chains and released four giant steel coils weighing 20 tons each. These coils threw off the flatbed and crushed three cars. Four people died that morning. It is hard to imagine such a tragedy.

I would ask that the Members, during the course of the hearing this morning, review the photos that we have brought with us today to see the accident that we have just spoken about.

We have not brought these photos to relive that tragedy or to dredge up the four deaths that happened in western New York but to give the Members, and the staffs, a sense of just how big these coils are.

Mr. INHOFE. Would you yield to me just for a moment here for clarification here?

Mr. QUINN. Yes.

Mr. INHOFE. The coil that is involved in this particular accident, how much did that weigh?

Mr. QUINN. Twenty tons, sir. It is almost as big as that Honda Accord which was crushed.

Since March of 1990, a total of nine of these types of accidents have occurred in western New York, six alone since the October tragedy. The overall death toll, 11 people. Clearly, a danger exists on our highways.

This past May, I met with State and local officials and contacted the Federal Highway Administration to investigate this problem. It

became apparent to me that the current Federal regulations which address the securement of cargo, like steel coils, were inadequate.

The problem here is two-fold. On the one hand, we have truckers who are not complying with Federal regulations, some knowingly, but many unknowingly. Many truckers simply do not understand how to comply and are posing threats to other motorists on the roads as well as to themselves. I feel that those truckers who do not realize they are in violation of regulations would comply if they knew how. No one benefits from an accident caused by shifting cargo.

On the other hand, we have manufacturers of cargo restraints who are hesitant to label or certify restraints based on the current regulations. Specifically, Mr. Chairman, the current Federal regulations are based on what we call static breaking strength requirements. More simply, that is the point where a chain or a strap will break.

How do you know when a chain or a strap will break, especially when the products are tested when they are new? It is difficult to accurately measure and label a product based on breaking strength. Manufacturers have liability fears and concern about the normal degradation of a product from the day to day wear and tear after it is tested when it is new. I believe and have advocated a regulatory change which would change current regulations to utilize a working load requirement measurement for cargo securement.

Very simply, working load measurements are the normal operating range of how a chain or a strap would perform under nominal conditions. Manufacturers need to take an active role in helping truckers comply with Federal regulations. If we move to working load requirements, we will at least remove the disincentives, if not produce incentives for the manufacturers to help the trucking industry.

Working load limit measurements would simplify the Federal guidelines, making it easier for truckers to understand and inspectors to enforce acceptable cargo restraint practices. Manufacturers, at the same time, could supplement these changes by improving their equipment ratings. For manufacturers, it represents a positive versus negative scoring of their products.

In other words, instead of measuring where a chain or a strap is going to break, I am suggesting we should measure it in a positive way as to how much load it will carry. I think that brings the manufacturers, as well as the trucking industry and the truckers into a positive way of understanding what securement will be needed.

About two weeks ago, I conducted a personal roadside inspection of trucks with our State Police in New York and officials from the Federal Highway Administration and the New York State Department of Transportation. We conducted this roadside inspection at the Peace Bridge near the U.S.-Canadian border in Buffalo, and the statistics speak for themselves.

On that one day, 23 trucks were inspected at the Peace Bridge and over half of those trucks were put out of service because of load securement violations.

In New York State, 892 trucks have been inspected for load securement violations; 443 of those were put out of service, almost 50 percent again. Last February, New York State conducted special targeted inspections in Buffalo to examine load securement violations; 514 were inspected, and 269 were put out of service in the Buffalo area, again, over 50 percent.

In the town of Hamburg, where I was the town supervisor before I came to the Congress, in my district, from March through May of this year, 105 trucks were inspected, 42 were put out of service for load securement violations, just about 45 percent, again. These numbers, ladies and gentlemen, are alarming.

I asked the Federal Highway Administration for their input and assistance in making a regulatory change here in Washington, D.C. I met with the new Administrator, our new colleague and friend, Rodney Slater, whom most of you have met this morning, and we discussed this problem. We shared the same concerns, and we decided to work together on this issue.

I am here today and I know the Administrator is here today because we believe this is a public safety issue. We are here to address this issue and make our roads safer by making it easier for truckers to understand regulatory compliance, inspectors to enforce compliance and provide manufacturers the incentive to help educate.

I am very pleased that the Federal Highway Administration has agreed to work with me in addressing the issue of regulatory changes. I believe these new regulations are necessary to prevent more tragic accidents like the one which occurred in Buffalo last October.

I also believe further coordinated research is needed to investigate new and innovative techniques for cargo securement in the not-too-distant future as we continue to address this serious problem.

Lastly, let me say that it is important that we address this issue on a Federal level. As a former local official, I do not say this lightly. This problem must be addressed on a national level. If our States are forced to address this, the result will be a hodgepodge of differing cargo securement standards from State-to-State that will only hurt the trucking industry, increase costs to shippers, and jeopardize our State and local economies.

Differing State regulations will also impede inspectors in enforcement and add more confusion to a problem where simplification and uniformity are needed. The solution must be one from the Federal level here in Washington D.C.

Improperly secured truck cargo presents a clear and present danger to motorists on our Nation's highways. This hearing today, I believe is another step in remediating that danger, but, Mr. Chairman, it is only a step. We cannot stop until that danger is removed. Simplified, uniform and user-friendly regulatory changes would immediately help alleviate many of these tragic accidents on our Nation's highways.

I would like to thank the Chairman and the other Members for their attention this morning and look forward to testimony from the rest of the panel.

Mr. BORSKI. I thank the distinguished gentleman from New York for bringing this critical issue of cargo load securement to the committee's attention. The testimony we will receive today will give us a close-up view of the unique segment of the transportation industry that apparently needs closer enforcement and possibly revised Federal regulations and industry guidelines.

I also want to invite the gentleman to join the subcommittee, if there are no other further questions from other Members of the subcommittee.

Mr. QUINN. Thank you, Mr. Chairman. Yes, sir.

Mr. INHOFE. I have just one question. It is kind of alarming when you said 45 to 55 percent. It looks like they are out of compliance and put out of service. Has there been a study of—I understand in New York State there have been approximately nine of these since 1990.

Mr. QUINN. That is correct.

Mr. INHOFE. Has there been any way of studying or has there been a study to show that if these had been in compliance with the Federal guidelines that it would have prevented these accidents?

Mr. QUINN. I have discussed that concept with Mr. Mineta and Mr. Shuster. When I showed them photos of this accident, they originally thought something was wrong with the roads in Buffalo and suggested further research. And some of the witnesses after me, Mr. Inhofe, will help address that.

Mr. INHOFE. Thank you.

Mr. BORSKI. Any further questions?

The gentlewoman from New York.

Ms. MOLINARI. Thank you.

First of all, I want to thank our colleague for bringing this issue to our attention.

I am not very familiar with trucking, and so I am having a little bit of a difficult time, Jack, in understanding the difference between measuring on the static breaking strength requirements versus your suggestion of the working load requirement. Is the bottom line difference that you would be giving the trucker a little more leeway relative to measuring against that point where human life would be in jeopardy? You are bringing it back a few steps?

Mr. QUINN. Not leeway for the trucker. Better information.

Ms. MOLINARI. Okay.

Mr. QUINN. Clearer information. Right now—and I didn't know a lot about trucking when I began this issue either, Susan, but right now we keep score on this in a negative way. We say that we need to secure the cargo by keeping track of when it is going to break.

Ms. MOLINARI. Okay.

Mr. QUINN. That is a negative way of keeping score of that. And the manufacturers, you can understand, don't want to say that my chains will work until they break and fall off and cause an accident.

Ms. MOLINARI. I understand.

Mr. QUINN. So I would prefer if the regulations reflect working loads, so, in other words, it will operate normally within this range.

And one of the things that the testimony you will hear a little bit later is that if and when our Administrator can get these regu-

lations changed, we have also discussed a whole education training component to work with the industry and the truckers. Once the regulations have been changed, I think we need to kick it off with some education and training, and I think the Administrator is heading in that direction.

Ms. MOLINARI. I think that is a great idea. I thank my colleague for bringing this issue to my attention and the work that you have done in educating an unknowledgeable panel. Thank you, Jack.

Mr. BORSKI. The gentleman from Massachusetts, Mr. Blute.

Mr. BLUTE. Thank you very much, Mr. Chairman.

I also want to commend my colleague for focusing the Congress' attention on this issue. I think it is literally a life and death issue for motorists out there on the highway, because, as the pictures clearly show, if one of these things do break off, the high probability of death is there, and I think it is important that we focus in on the human aspect of this.

My question is, you have studied it up in your area of the country and in Canada. How much of a national problem is this? Does this have something to do with the type of industries in a particular area that carry these? Or is this something that could happen on any highway in this country?

Mr. QUINN. I think, Peter, we have seen some of it in upstate New York and the Northeastern United States because of the steel business there.

However, in talking with Members here in the Congress since I was sworn in, as Mr. Shuster mentioned earlier, we find that there are instances of it across the country. Percentages will be mentioned later in testimony. But as you point out, the problem is, when it happens, no matter how low that percentage across the country, it is not just a flat tire or a fender-bender, it is a very, very serious, life-threatening situation.

Mr. BLUTE. Thank you.

Mr. BORSKI. The gentleman from Oklahoma, Mr. Inhofe.

Mr. INHOFE. Thank you, Mr. Chairman. I have to go to the Armed Services Committee, and I would like to ask that Mr. Quinn assume the responsibilities of Ranking Member during the course of the remainder of this subcommittee hearing.

Mr. QUINN. Thank you, Mr. Inhofe.

Mr. Chairman, thanks again for all your help.

Mr. BORSKI. Yes, sir. Thank you.

At this point, I would like to insert into the record a statement received from our colleague from Pennsylvania, Mr. Blackwell.

[Mr. Blackwell's prepared statement follows:]

STATEMENT OF CONGRESSMAN LUCIEN E. BLACKWELL

Mr. Chairman, Truck Securement Regulations are an essential highway safety issue which we must address with the utmost concern.

As we all know, our nation's highways must be shared by commercial truckers and passenger cars alike.

In order to insure the safest possible trip for each of these parties, we must pay close attention to potential safety threats which pose a risk to both the driver of the 18 wheeler, and the driver of the four wheeler.

Auto accidents are a fact of life on our Nation's busy highways, Mr. Chairman.

With approximately 45 million trucks and 145 million automobiles travelling on our Nation's roadways, it is truly remarkable that our accident rate is not higher than it already is.

But the accidents which are most troubling, Mr. Chairman, are the ones that could and should have been prevented.

The tragedies which have occurred since 1990 in the Eastern United States, and in New York in particular, are extremely distressing in their scope and magnitude.

That is why I am pleased that the subcommittee has decided to probe this crucial issue of securement regulation and enforcement.

If we can determine precisely the safest way to transport these steel coils which are essential to our Nation's construction and manufacturing industries, then I am certain that time, money, and most importantly, human lives will be saved.

The subcommittee must examine all of the factors involved in securement.

While it is impossible to say that anything positive can emerge from the accidental loss of human life, we can learn from our previous tragic mistakes.

If we can impart even slight improvements in securement regulations and enforcement to the families of those who have lost their lives in these tragedies, then we have taken a step in the right direction.

But we must not stop at this. I am hopeful that we can translate the findings of these hearings into real results and improvements in highway safety.

Until we can show the families of the deceased that their deaths were not in vain, we will continue to probe this vital issue at the Federal level.

I commend our chairman, my colleague from Philadelphia, on his excellent work on this issue, and I welcome our distinguished witnesses here today.

Thank you, Mr. Chairman.

Mr. BORSKI. We would now like to welcome our second witness, the Honorable Rodney Slater, Administrator, Federal Highway Administration. Mr. Slater is accompanied by James Scapellato, Director, Office of Motor Carrier Standards, and Mr. Larry Minor. Would you please stand and raise your right hand?

[Witnesses sworn.]

Mr. BORSKI. You may be seated.

Mr. Slater, I want to personally welcome you to the subcommittee. As Mr. Inhofe has mentioned earlier, I understand this is your first official committee hearing on the House side, and we are honored that you are here.

I also wish that if you see the new Federal Transit Administrator, Mr. Linton, from Philadelphia, Pennsylvania, you give him my best. Unfortunately, he is testifying at his confirmation hearing in the Senate right now as we are having this hearing. I haven't mastered yet how to be in two places at once, so if you could give him my best. And we are delighted you are here, sir.

Mr. SLATER. I will, sir.

TESTIMONY OF HON. RODNEY SLATER, ADMINISTRATOR, FEDERAL HIGHWAY ADMINISTRATION, ACCOMPANIED BY JAMES E. SCAPELLATO, DIRECTOR, OFFICE OF MOTOR CARRIER STANDARDS, AND LARRY W. MINOR, MECHANICAL ENGINEER, OPERATIONS STANDARDS DIVISION

Mr. SLATER. Mr. Chairman, other Members of the committee, to Mr. Inhofe who has had to leave, to Mr. Shuster, who is an individual who has stood tall on the issues of safety as the Ranking Minority Member of the full committee, I am very pleased to be in your presence as well.

To all of the Members of the committee who are committed to the issue of safety, we at the Federal Highway Administration look forward to working with you in the days to come, to work not only on this particular issue but all other issues that impact this very important concern for our citizenry, that of making our highways as safe as possible.

I am pleased to be here today to discuss this important issue of cargo securement on commercial motor vehicles. I appreciate the opportunity to be here for this, as has been noted, my first appearance before a subcommittee of the House Public Works and Transportation Committee.

I am glad that my first hearing is before this committee and that it will address such an important safety concern, inasmuch as increased highway safety is one of the major objectives that I have set for myself as Administrator of the Federal Highway Administration. It is also one of the major objectives of Secretary Peña and the Clinton administration.

You have heard the names of the two gentlemen who flank me, on my left and right, and they, too, are very pleased to be here to join me in responding to any questions that you may have regarding this particular concern.

As you know, some recent unfortunate accidents, particularly in the State of New York, involving cargo falling from commercial motor vehicles have brought increased public attention to cargo securement practices in the trucking industry and Federal cargo securement regulations. Of particular concern is the transportation of steel coils, which range in size from 5,000 pounds to 40,000 pounds.

Less than 1 percent of the commercial motor vehicle accidents reported to the Federal Highway Administration in 1990 involved the loss of steel coils or other cargo. But when these accidents occur, they present the possibility of tragic consequences, as has been noted by Congressman Quinn.

The regulations for cargo securement are part of the Federal Motor Carrier Safety Regulations. The current cargo securement requirements were proposed in 1969. Under the 1969 proposal, each tiedown was required to have a minimum breaking strength of approximately 16,000 pounds. The final rule issued in 1971 resulted in the adoption of a performance-based standard, including the use of what is called static breaking strength, as a measure of tiedown performance capabilities. The current regulations require the static breaking strength of tiedown assemblies used to secure cargo be at least one and one-half times the weight of the cargo secured.

The Federal Highway Administration believes that the current regulations provide efficient securement procedures to assure the safe transportation of loads of this type. But the recent accidents in the Buffalo, New York area appear to involve coils which were not secured in accordance with the Federal regulations that I have identified. We believe that this problem can be addressed through more focused enforcement of existing regulations and an increased effort to inform motor carriers involved in transporting these coils and other cargo about the requirements.

I would like to summarize for the committee how the Federal Highway Administration is improving enforcement activities, public awareness, education and training, research initiatives and our regulations.

In the area of enforcement, States conduct about 1.6 million roadside inspections of trucks and buses annually under the Motor Carrier Safety Assistance Program. We are working with State MCSAP personnel to target inspections at locations in the North-

east, the Midwest and the Mid-Atlantic areas where metal coil transportation is especially common. Anticipated sites include: Buffalo, Congressman Quinn, as well as Baltimore, Pittsburgh, northern Indiana, eastern Michigan along the I–75 corridor, and Ontario, Canada as well. We are working with State and Canadian provincial officials to schedule special roadside inspections or "roadchecks," in these areas as well.

We believe this increased enforcement is justified based on the work of the New York Department of Transportation, which recently conducted inspections, that I know the committee is aware of, and also FHWA's participation in a "Roadcheck" 1993 endeavor, which brought additional information to our attention. Under the "Roadcheck" 1993 initiative, for 72 hours from June 8th through June 10th, safety inspections were conducted at about 300 sites in every State, as well as the Canadian provinces.

"Roadcheck" 1993 was coordinated by FHWA and the Commercial Vehicle Safety Alliance organization, which is composed of State, Canadian and Mexican officials responsible for the administration and enforcement of motor carrier safety laws.

Although we have not yet received enough data from the States to allow us to draw any broad conclusions, we have received figures from five States, Illinois, Michigan, Minnesota, Ohio, and Wisconsin, that concentrated their Roadcheck 1993 efforts on load securement. Of the 416 flatbed vehicles checked, transporting metal coils and other metal articles, 86 were placed out of service for serious load securement violations. This is a major concern of the Federal Highway Administration.

In the area of public awareness, we have also embarked on other efforts to make our regulations more widely known.

In conjunction with the New York DOT—the New York DOT's special inspection program on load securement, we will publish a bulletin today, and I believe many of you have the bulletin before you. It is our first effort to educate the public and to promote public awareness. The report includes information about those accidents that were reported in the Buffalo area.

The bulletin reemphasizes the regulations on cargo securement and explains how to comply with them. It is our hope that this will make a difference in communicating to motor carriers what their responsibilities are. Also, it is our hope that it will help educate the public as to the dangers of these kinds of shipments.

The bulletin will be distributed to the general news media, the trade press, and to all motor carriers listed in our national database as operating flatbed trucks and trailers. The bulletin was developed jointly by my staff and the Commercial Vehicle Safety Alliance.

In the area of education and training, I firmly believe that safety can be enhanced through increased education and training. While we are moving aggressively to enforce our regulations, we are also trying to ensure that drivers, motor carriers, safety inspectors, shippers and others understand the rules and know how to secure these loads.

We will allocate MCSAP funds to New York this year to support a special cooperative effort with other States to identify cargo securement problems, particularly those involving steel coils. We ex-

pect New York to develop training packages that include printed materials and perhaps videos that could be used by other States in a nationwide effort to improve compliance.

In the area of research, the FHWA five-year research plan, dealing with cargo securement as well as other matters, noted that cargo securement is a high priority and an area where there has been increased demand for the transportation of specialized cargos on commercial motor vehicles.

So we want to underscore the importance of this five-year research plan, the importance of looking at the transportation of specialized cargos on motor vehicles.

In early May of this year, Ontario officials invited the FHWA to review a research proposal they had developed for the Canadian Council of Motor Vehicle Administrators on better ways to secure cargo, including steel coils. After a review of this proposal by FHWA and New York, I have instructed my staff to work with the Commercial Vehicle Safety Alliance, New York, and the Canadian officials to participate in the review and evaluation of this promising research effort.

If the research proves fruitful, our goal will be to incorporate the results of this research into the CVSA's uniform North American Inspection Standards and the FHWA's regulations. The Commercial Vehicle Safety Alliance standards are the bases for vehicle inspections performed in the United States and Canada and are being adopted by Mexico as well.

In addition, I recently received a proposal from a private company advocating the use of a "cradle" for transporting metal coils. Because of the specialized and technical nature of this proposal, I have directed it to be evaluated by FHWA's Highway Innovative Technology Evaluation Center, which is a part of our Turner–Fairbank Highway Research Center in Virginia. We hope to get the results of that evaluation soon.

As part of its program to improve the enforcement of cargo securement regulations, the Commercial Vehicle Safety Alliance petitioned FHWA to incorporate the use of working load limits in the United States safety regulations. The concept of a working load limit would replace static breaking strength for the load rating of tiedown devices.

The working load is the mean ordinary load to which the tiedown is subjected. Generally, the working load limit is determined by taking the breaking strength of the tiedown and factoring in a margin of safety. The breaking strength is the rating at which any part of the tiedown fails. The Commercial Vehicle Safety Alliance believes that working load limits will make the tiedown regulations easier to understand, easier to use, and easier to enforce. Working load limit is a term more familiar to motor carriers and more commonly used to describe the performance capabilities of tiedown equipment than is static breaking strength.

FHWA granted the Commercial Vehicle Safety Alliance's petition on January 11th of this year. We intend to respond to the petition by publishing a notice of proposed rulemaking to request public comment on specific regulatory issues. The use of this rulemaking process will serve as a valuable tool in keeping open the lines of communication between FHWA and industry on this subject of

great importance, increasing industry awareness about cargo shipment requirements, and promoting a greater degree of understanding of and compliance with the cargo securement regulations.

The working load limit may, in fact, have greater promise of becoming a common international standard than the static breaking strength.

We believe that the use of working load limits could result in a major improvement in safety regulations. The use of working load limits would also promote a greater degree of compatibility between United States and Canadian safety regulations. Further changes may be needed depending on the results of the joint United States/Canadian research effort.

Given the potentially fatal consequences of an improperly secured load, as evidenced by the several recent accidents that have come to our attention, there is clearly a need for more motor carriers to reexamine the way they secure their loads. The FHWA has the responsibility to ensure that relevant language in the Federal regulations is clear and consistent with industry terminology as far as possible.

In closing, the FHWA believes this is an important safety issue, and we applaud this committee, we applaud Congressman Quinn and all of you for the visibility you have given to this problem through this hearing today. We are increasing our enforcement, making the industry and the public aware of the issue, pursuing research, increasing education and training, and working with the Commercial Vehicle Safety Alliance to make our regulations easier to understand.

Again, thank you for the opportunity to explore the cargo securement issue. I will be happy to respond to any questions you may have.

Mr. BORSKI. Well, thank you very much, Mr. Administrator, for that excellent statement.

We have heard that current Federal regulations do not place any responsibility for proper load securement on the shipper, even though it is not unusual for the shipper to load the product. Is this statement accurate? And, if so, what is your reaction to the proposal that shippers assume some degree of responsibility for proper load securement?

Mr. SLATER. Mr. Chairman, your comment is accurate. Presently there is no requirement placed on the shippers, because our regulatory authority basically deals with motor carriers.

This issue has come before Congress on a number of occasions as to whether shippers should bear some responsibility and whether we should regulate shippers. It is our belief that if we adequately educate the motor carriers, if we enforce the regulations that are on the books and if we present them in a way that motor carriers can understand, that will take care of the concern.

We are not opposed to consideration of how the regulation of shippers might impact all of this, but currently we are satisfied with the responsibility we have as it relates to motor carriers.

Mr. BORSKI. The Chair now will recognize the gentleman from New York, Mr. Quinn.

Mr. QUINN. Thank you, Mr. Chairman.

Administrator Slater, I didn't get a chance when I was on the other side of the table, but I want to personally thank you and your staff for the record for the cooperation this Congressman has received here in Washington and in Buffalo, New York so far in this issue. It has been absolutely fantastic, and I deeply appreciate your efforts.

Mr. SLATER. Thank you.

Mr. QUINN. I want to also thank you for bringing along with you the advisory bulletin that coincides with our hearing this morning. The timing couldn't be better. I appreciate that and want to just, if I may, ask a brief question on part of the testimony this morning. You note that FHWA granted the petition on January 11th and that you are going to be responding by publishing a notice of proposed rulemaking and some public comments on that. Do you have any idea on the timetable for when we can expect a rule and the length of the comment period?

Mr. SLATER. I would hope that in the next few weeks we will be able to move forth as far as a sign-off and opening up the opportunity for comments. I can't say how long that will last. I will only say that we view this as a matter of great importance, and we will move expeditiously.

Mr. QUINN. Thank you very much for that answer. I am hopeful it will be as swift as it possibly can be.

Mr. SLATER. It will be.

Mr. QUINN. Thank you very much, Mr. Chairman.

Mr. BORSKI. The gentlewoman from Michigan, Miss Collins.

Miss COLLINS of Michigan. Thank you very much, Mr. Chairman. Mr. Slater, welcome.

Mr. SLATER. Thank you.

Miss COLLINS of Michigan. I wanted to ask you—you partially answered in your testimony about the Canadian Government studies, but technology has progressed so much since 1969, so I wondered what kind of program we have for research to determine the best kinds of restraints for these loads or what is actually needed.

I notice in Mr. Quinn's statement that from 1969 they require up to 16,000 pounds.

Mr. SLATER. That is correct.

Miss COLLINS of Michigan. And yet, today, the loads weigh up to 50,000. So I don't know if that means they need three or four chains on one coil or what. Who is doing the research and how often do they have to report to your department, your administration, so that we can keep abreast of the highest—the latest technology.

Mr. SLATER. Sure. Let me just say that—and I want to ask Mr. Scapellato, who is with me, to feel free—and also Mr. Minor—to feel free to offer any additional comments.

But I will say that the Department of Transportation is becoming more aggressive in pursuing greater research dollars and dealing with the area of research and technology advancement. We have come to realize that you can't just put a system in place and expect it to remain forever current with the passage of time. Research becomes very important to making sure that your system is always up-to-date and is as safe and as efficient as possible.

So we definitely will continue, as we are in this instance, working with others, in this case Canada, to seek to apply the most up-to-date technology and research to a particular concern, and that is what we are doing here.

Your point, though, is well taken, that in 1969 some of the loads were not as heavy as they are today, and technology has changed.

Also, we are going to look at the cradle option that has been put on the table. So we are trying to revisit some of these concerns so as to provide the very safest system possible for the traveling public.

Miss COLLINS of Michigan. I am glad to hear that. Finally, in our State we have weight inspectors——

Mr. SLATER. Yes.

Miss COLLINS of Michigan [continuing]. Who pull the truckers off, just—in the city even, to check their weights, and I am wondering if those people could also be empowered to check securement.

Mr. SLATER. Well, they do have that responsibility.

Miss COLLINS of Michigan. They do.

Mr. SLATER. And one thing that we are doing, and I noted this in my comments, is that we are really going to be aggressive about education and training. We are going back to our States and really emphasizing this particular point.

So I think that in the coming days and months and years we will see more attention, especially, being given to this issue.

Miss COLLINS of Michigan. Thank you very much.

Mr. SLATER. Thank you.

Miss COLLINS of Michigan. Thank you, Mr. Chairman.

Mr. BORSKI. The distinguished gentleman from Pennsylvania, Mr. Shuster.

Mr. SHUSTER. Thank you, Mr. Chairman.

Mr. Slater, I certainly want to welcome you to the committee and tell you how pleased we are that you are in the saddle. You bring to your position an extremely high reputation in transportation circles, and every indication is that you are just totally living up to that. And we are just thrilled that you are here, and we want to work with you everywhere we possibly can.

Mr. SLATER. Thank you.

Mr. SHUSTER. My question relates to whether there is any profile of the kind of trucker who is involved in this problem. For example, the independent carrier versus the corporate carrier. Do we have any statistics that relate to that yet?

Mr. SLATER. I would like to call on Mr. Scapellato. He has been with our agency for a number of years, and I know he has a wealth of knowledge and experience as relates to the trucking industry. Jim?

Mr. SCAPELLATO. We do gather data from our roadside inspection forms that are produced from the field investigators at the roadside. We gather data by violation code that suggests whether or not the violation was cargo-related from the total type of inspection items that we have. From that, we would also know the names of the companies. However, we don't indicate, and we have not broken the codes out by owner-operators and other types of entities.

But the data is captured. It would probably belabor us to go through and manually look at the types of companies, but some of that data is collected.

Mr. SHUSTER. I wonder, for example, of the five up in Buffalo, how many of them are owner-operators? Do we know that? How many of them are corporate carriers?

Mr. SCAPELLATO. Of the five that were involved in the accidents up in the Buffalo area, those were nonowner-operator type entities.

Mr. SHUSTER. They were what?

Mr. SCAPELLATO. They were not owner-operator entities.

Mr. SHUSTER. Okay. Thank you very much.

Mr. BORSKI. Does the gentleman from Michigan have a question?

Mr. BARCIA. Thank you very much, Mr. Chairman.

I would just ask perhaps one question, and that is, in the view of the panel, do you think in any way that deregulation of the trucking industry has contributed to a higher incidence rate?

A secondary question is, what has happened to the staffing levels perhaps in the last five years or so? Have you remained constant? Do you think that there is a need for additional staffing, and is there some role that the Federal Government can play to encourage that?

Mr. SLATER. Very good. I want to call on the benefit of my staff members in responding to this, but I am not sure that we have data which suggests whether deregulation has resulted in any increase of accidents of this type.

Our figures—our research show that accidents of this type are rare, but the problem is, when they occur, the damage is so significant and is often fatal. So while I am not sure whether there has been a significant increase because of deregulation, we still are comfortable with the fact that the occurrence of the accidents is at such a level that it is not the quantity, but it is the severe nature of the accidents that is of most concern and driving us to address it in the aggressive fashion that we have chosen.

I have just gotten a note that says that our studies show no correlation between deregulation and safety up to this point. But it is something that we should continue to look at, and we appreciate your having raised the question.

As far as staffing levels, I know that over the years the motor carrier area of the agency has grown, and it is largely because of increased responsibilities on the part of the agency when it comes to the regulation of motor carriers. We are now going through a sort of agency review, trying to determine whether we have enough employees to carry out our responsibilities, and we will look specifically at this particular question, and we will respond to you.

But I think currently our staffing level is good, and we feel comfortable with our ability to carry out the responsibilities we have.

[The information received from Mr. Slater follows:]

With respect to the question on staffing levels, the following is a chart showing staffing levels for the last five years:

OFFICE OF MOTOR CARRIERS, STAFFING LEVELS (1988–92)

Year	Administrative Clerical [1]	Safety specialist	Total
1988	300	165	465

OFFICE OF MOTOR CARRIERS, STAFFING LEVELS (1988–92)—Continued

Year	Administrative Clerical [1]	Safety specialist	Total
1989	249	207	456
1990	279	217	496
1991	358	288	646
1992	407	282	689

[1] Does not include employees in our General Operating Expense account.

The Office of Motor Carriers staffing levels over the last five years show an increase in both total staff and safety specialists. The safety specialists are generally responsible for carrier reviews and enforcement actions. Some States under the Motor Carrier Safety Assistance Program have begun to conduct carrier reviews in addition to roadside inspections. We believe current Federal staffing levels will remain adequate as States increase their participation in the motor carrier safety program elements.

With respect to the question as to the need for additional staffing, the FHWA is presently conducting an agency-wide staffing study. This study, to be completed in mid-1994, will examine all Offices within FHWA, including the Office of Motor Carriers. We will make the results of the study available to this Committee upon completion.

Mr. BARCIA. Thank you.

Mr. SLATER. Also, I would say that our staff effort is supplemented by the quality cooperation we have in our partnerships with the individual States.

Mr. BORSKI. The Chair thanks the gentleman.

The gentleman from California, Mr. Baker.

Mr. BAKER. To get back to our hearing today, is there a common thread or is there one thing that goes wrong over and over again in these nine particular accidents in western New York? Is it stress on a chain? Is it stopping too fast? Is it speeding? Is it reckless driving? Is there anything common that goes on that might cause these series of unloadings?

Mr. SLATER. If there is one thing that we found in these incidents, it has been the improperly secured loads—and it is our belief that a more aggressive education effort can be helpful in that regard and, also, a more aggressive enforcement effort. We are committed to both; but that is all that we have discovered thus far.

I will assure you, though, that we will continue to revisit the issue, we will continue to review the cases, and if we find anything else there, then we will definitely bring it to the attention of this committee.

Mr. BAKER. Could we call it human error, then? The loads were just improperly loaded? There wasn't a defect in the material that was holding them or misuse by the driver? It was just a human error, that they weren't properly loaded? I am looking for something that would prevent it from happening again.

Obviously, if an accident occurs, it is an accident.

Mr. SLATER. Exactly. We just think that the loads were improperly secured. That could have occurred for any number of reasons. And you know, we just haven't been involved enough in the individual cases to know for sure.

Mr. QUINN. Excuse me. Would the gentleman yield, Bill, for one minute here?

Mr. BAKER. Absolutely.

Mr. QUINN. I don't want to answer, obviously, for Mr. Slater, but with our discussions that we have had in my office and back in Buffalo, is that it seems to be a combination of those things. You know, certainly the load securement is at the top of the list. But will we ever—will we ever stop this from ever happening? Probably not, because of all of those factors that are present.

We want to make load securement as small a part of truck accidents as we possibly can. Because if there is human error, for example, I don't know that we will ever stop that, except for assisting with education and training. So it seems to me in our discussion that it is a combination of those things, and one of those things that we can improve on is load securement, and that is where we are headed today.

Mr. BAKER. Okay. The one thing we don't need in our economy is 40 more tons of Federal regulations.

Mr. SLATER. Exactly.

Mr. BAKER. But if there are certain procedures or material that we can pinpoint as the culprit, then we can work on correcting that through legislation. Again, I appreciate Mr. Quinn's diligence on this, and, Mr. Slater, your cooperation. I don't want to destroy the trucking industry with overregulation the way we have the airline industry.

Mr. SLATER. Exactly.

Do you have anything to add to that, Jim?

Mr. SCAPELLATO. One thing that I think we made a conscious effort to do at the beginning and that was to create a performance standard. And when you create a performance standard, the up side of that is it gives the industry and the regulated community a chance to have input into the type of requirements and understandings and a methodology, so to speak, on how the regulation will actually be applied.

One thing that we have said consistently through rulemaking is we have to do a better job of making it clear and consistent with industry terminology.

Since 1971, when we promulgated the original rule, until now, we have worked closely with the regulated community, the associations and the manufacturers, both from a research standpoint and from a regulatory standpoint, on how best to communicate this. We do now know that the industry applies the terminology working load—working load limit as opposed to static breaking strength. That seems to have been the adopted terminology, the drivers, the motor carriers, the industry, the manufacturers seem more in tune with that terminology. So hopefully, by consideration of a rulemaking, we can have greater input on the merits of that kind of application.

Mr. BAKER. So that we will all be speaking the same language—but we don't have a common thread like overweighting the vehicle or driving too fast or using faulty chains. The thread does not occur in these nine accidents?

Mr. SCAPELLATO. Looking at the data that we have, it suggests that it was improper load securement. That seems to be the common thread. Now, whether that is caused by a misunderstanding of the terminology of the rule or a misapplication of the number of securements, that seems to be the common thread. And we think

through education and training and a better understanding of the rule that we can achieve better conformity.

Mr. BAKER. Are your agencies meeting with the trucking officials to try to figure out better ways of securing the loads?

Mr. SCAPELLATO. Well, we have done that in part through the CVSA organization, the vehicle committee and worked with manufacturing. But the best way is through the official rulemaking with notice and comment. That is the best way.

Mr. BAKER. But the truckers are the ones that are loading the loads—the trucking companies, not the shippers. And trying to get to the shipper is like saying when I mail a letter, I can therefore prevent mailmen from getting bit, because I am the person who mailed the letter.

We have to work with the trucking officials to figure out what is wrong with the terminology or how better to apply the standards so that the loads are securely fastened. Our role in this, and Jack's role, especially, Congressman Quinn's role, is to protect the safety of the public.

Mr. SLATER. Yes.

Mr. BAKER. We don't want 10-ton rolls of steel going down the highway hitting two-ton cars. It just doesn't work. Jack's interest in this is to make the motoring public more safe. We have to talk to the trucking officials and find out what they can do to supervise the loading of these materials so it won't occur again.

Thank you very much, Mr. Slater. It has been a pleasure.

Mr. SLATER. Thank you. Very good point.

I think we should also mention that one of the accidents involved a vehicle that was stalled on the roadway, and so—and I think that was unique to that accident, so I just wanted to note that for the purpose of the record.

Mr. BORSKI. Mr. Administrator, I would like to follow up just one part of that about the shipper. Do they ever place the coil on the truck and secure it themselves?

Mr. SLATER. I am not sure about that.

Mr. SCAPELLATO. No. Normally, they contract with the motor carrier, and the motor carrier assumes the obligation of loading and transporting.

Mr. BORSKI. I understand you said usually. Do they ever place it on themselves?

Mr. SCAPELLATO. I have no information that would suggest that the shipper assumes that responsibility.

Mr. BORSKI. Mr. Quinn.

Mr. QUINN. Just one last point. Thank you, Mr. Chairman.

Following up on Mr. Baker's question, again, some of the information and research that we have on load securement is the fact that of those 500 inspections, for example, about 50 percent were put out of service because of load securement problems.

Mr. SLATER. Right.

Mr. QUINN. Whether or not that was the cause in the accidents, certainly during the course of the inspection, about half were put out of service for load securement violations, which leads us to believe that it is one of the major problems.

Mr. SLATER. That is right. And we believe the same.

Mr. QUINN. Thank you.

Thank you, Mr. Chairman.

Mr. BORSKI. Are there further questions of this panel?

If not, Mr. Administrator, we again want to thank you very much for coming by.

Mr. SLATER. Thank you, Mr. Chairman.

Mr. BORSKI. We appreciate it, and we look forward to working with you.

Mr. SLATER. Thank you, sir.

Mr. BORSKI. We would like to welcome our next panel, Mr. Matthew J. Ryan, Director, Commercial Vehicle Safety Bureau, New York State Department of Transportation, and Major Craig R. Masterson, the Traffic Services Division, New York State Police.

Gentlemen, would you please raise your right hand?

[Witnesses sworn.]

TESTIMONY OF MATTHEW J. RYAN, DIRECTOR, COMMERCIAL VEHICLE SAFETY BUREAU, NEW YORK STATE DEPARTMENT OF TRANSPORTATION, AND MAJOR CRAIG R. MASTERSON, TRAFFIC SERVICES DIVISION, NEW YORK STATE POLICE

Mr. BORSKI. Mr. Ryan, you may begin, sir. Let me just mention that your full statement will be made a part of the record, and you may proceed in any fashion in which you feel comfortable.

Mr. RYAN. Good morning, Mr. Chairman, Congressman Quinn, committee Members. Thank you for inviting us to participate at this hearing.

Commissioner Egan and the Department share your concern regarding highway safety and the transporting of steel coils in particular.

Before I begin my remarks, I am sad to inform you that, just this morning, there was another event involving steel coils in the town of Dunkirk on an exit ramp of a New York State thruway. The latest information I had is that there were no injuries or fatalities, but apparently this vehicle was traveling an excess speed off the ramp and lost two coils. The investigation is ongoing right now.

Our Department has adopted the Federal regulations which control the operation of commercial vehicles, including those regulations pertaining to cargo securement.

Due to the fact that the vast majority of commercial vehicles operate on an interstate basis, the Department believes that regulations pertaining to commercial vehicle construction and operation should be carried out at the Federal level with significant input from the States.

Prior to the tragic accident which occurred last October, neither our Department nor any other State or Federal agency was aware of the serious problems surrounding the transportation of steel coils and other steel products. We immediately focused our inspection efforts to determine the magnitude of this problem. Inspection results verified the seriousness of the problem.

We began to conduct special inspections one day each week at the Peace Bridge in Buffalo with the State Police and in the town of Hamburg with the Hamburg Police Department. We have now expanded this effort to twice a week.

We have provided the results of each inspection to the Federal Office of Motor Carrier Safety for distribution to the home states

of the motor carrier. We have also instructed all of our inspection forces statewide to inspect all steel-carrying vehicles at inspection sites.

As of July 9, 1993, we inspected 892 vehicles and placed 443, or 50 percent, out of service for improper load securement. Those figures break down geographically as follows: New York State-based carriers, 121 were placed out of service; Canadian-based carriers, 239 were placed out of service; carriers based in other States, 202 placed out of service.

As recently reported in the Buffalo news, we believe our enforcement efforts are having some impact. Allow me to read a direct quote from a truck driver from a Buffalo news article dated July 13, 1993: "New York has really cracked down, and it is making a definite impression," he said. "I talked to a lot of truck drivers and they say, if you are coming to New York, you better chain down." It is absolutely ironic that this driver was placed out of service for improper securement.

Our inspections efforts uncovered the fact that elements of the industry do not understand current regulations. Additionally, this is a nationwide problem which requires actions by other States and the Federal Government.

New York State has already taken the following actions:

We have requested the Federal Office of Motor Carrier Safety to initiate a multistate enforcement effort targeting steel securement. They are in the process of doing this.

We recommended the development of an educational program to assist the industry in understanding and implementing proper load securement. They have agreed, and we are currently working with the Albany Office of Motor Carrier Safety in developing a federally funded project for this carrier education program. This project will be carried out with the participation of the Commercial Vehicle Safety Alliance and representatives from industry. We believe this project is critical to bring about increased compliance with these regulations.

We further recommended the Federal agency undertake a research project to evaluate the effectiveness of current Federal cargo securement regulations. Again, they have agreed and have started this project as a cooperative effort with Canada.

I represent New York DOT as a member of the project team. Our first meeting is scheduled for August in Toronto, Canada.

We have also asked the Federal Office of Motor Carrier Safety to modify Federal regulations, placing responsibility for load securement with the shipper in addition to the carrier. This would be similar to current Federal hazardous materials transportation regulations. We believe that this is absolutely critical so that both the shipper and the carrier ensure adequate securement of products.

We again urge the Federal Office of Motor Carrier Safety to rethink their position and, if necessary, seek whatever Federal legislation may be required giving them authority over these shippers. Again, they currently have this authority for shippers of hazardous materials commodities.

We have also asked the State Department of Motor Vehicles to determine the feasibility of requiring driver training and testing on

load securement as a part of the commercial driver license program. This could be in the form of a specific CDL enforcement, again, similar to the transportation of hazardous materials. As CDL is a national program, this issue should be addressed by the Federal Government.

We agree with the Commercial Vehicle Safety Alliance proposal to change the measure of load securement in FMCSR 393 from static breaking strength to working load limit. We actively support this revision as members of both the CVSA Vehicle Committee and the Executive Committee of CVSA.

The Department's truck inspection program is carried out across the State with the cooperation of State Police and over 50 local police agencies. We have also provided funds to the Division of Criminal Justice Services for development of a training module on commercial vehicle enforcement for the training of local police agencies statewide. This will ensure a comprehensive statewide approach to commercial vehicle safety.

Thank you, Mr. Chairman.

Mr. BORSKI. Thank you, Mr. Ryan.

Captain Masterson, I understand that you are about to be receiving an appointment to Major, so congratulations.

Mr. MASTERSON. Thank you, Mr. Chairman, I appreciate that.

Mr. Chairman, Congressman Quinn and Members of the committee, I want to thank you for the opportunity to address the committee on an important highway safety issue, the proper securement of commercial loads, in particular, loads of coiled sheet metal and steel tubing being transported by motor carriers over the highways of our Nation.

I like to define the load securement problem from a police perspective. The New York State Police has primary responsibility for enforcing traffic laws that govern the safe operation of commercial vehicles on New York's interstate highway system. The recent series of tragedies which have occurred in New York State resulting from steel coils and tubing becoming dislodged during accidents is disturbing to the motoring public and a cause of serious concern for the New York State Police. As has been mentioned earlier, these can weigh anywhere from 2.5 to 35 tons. An unsecured load of this weight can have serious consequences for highway safety.

Admittedly, tractor trailers transporting coiled sheet metal are involved in fewer accidents than passenger cars. However, the increased probability of a serious injury or fatality is far greater when a commercial vehicle carrying thousands of pounds of steel is involved in a highway accident.

The fact is, plain and simple, that there are sufficient loads of this material which become dislodged each year for this issue now to be of serious concern for the public, for the shippers, for the truckers and law enforcement.

I have noticed that we have also experienced a steady increase in the number of violations issued for loss of shifting cargo nationally since 1988. The probability of an accident of this nature occurring is compounded when the carriers, the shippers and the drivers are not in compliance with current laws governing load securement. It has been our experience that oftentimes these individuals

are simply not aware of the regulations concerning load securement or sometimes choose to ignore them.

This fact has been emphasized in New York State in recent months as a result of fatal accidents involving commercial motor vehicles transporting coiled sheet metal and steel tubing.

The Congressman in Buffalo, New York, has a high volume of commercial vehicle traffic transporting steel due to its proximity to southern Ontario and western Pennsylvania. Western New York is a very industrialized area and thus State highways and interstates, such as the New York State Thruway, have a heavy volume of commercial vehicle traffic.

Again, for the record, I think it is important to document some of the examples of the accidents occurring in this region that illustrate the inherent risk in the transport of these types of items on heavy trucks.

October 5, 1992, 7:13 in the morning, on the New York State Thruway in the City of Buffalo, four people lost their lives in a very tragic accident involving the transportation of steel coils on a tractor-trailer tandem combination. The entire load of 83,000 pounds of steel was dislodged, with 38,000 pounds of steel—that is, I think—I believe five coils, from the accident reports, were dislodged from the second trailer, causing the deaths of four people in three separate vehicles.

On January 6, 1993, in the town of Hamburg, Erie County, a 35,000 pound roll of steel dislodged from a flatbed trailer fell onto the roadway. Fortunately, no one was injured.

On March 25, 1993, 6:15 in the morning, again on the thruway, a flatbed trailer transporting steel tubing was involved in a rear-end collision with a tank truck. The steel tubing that was being carried was dislodged, shifted forward, went right through the headboard into the driver's compartment and killed the driver instantly. An inspection of that vehicle indicated that the steel was not adequately tied down.

Troopers from the New York State Police investigate these types of accidents, and they clean up the human tragedy that occurs.

I think it is important to try to explain to you what we in law enforcement attempt to do in conjunction with the State Department of Transportation in our State to enforce commercial vehicle laws.

The New York State Police and the Department of Transportation partner together. We have dedicated units of trained personnel that are qualified motor carrier safety inspectors. These specially trained troopers and inspectors work full time together in enforcing all the New York State transportation laws. The unit was created in 1986 through Federal MCSAP funding and has more than doubled in size since then.

The number of commercial vehicle inspection has increased concurrently with manpower dedicated to MCSAP. Members of the State Police MCSAP unit are always available to assist other law enforcement agencies throughout the State. State Police MCSAP personnel are strategically assigned throughout the State in areas that are heavily utilized by commercial vehicle traffic, and they also conduct operations on the rural State routes often traveled by those attempting to avoid the inspections.

We coordinate our enforcement efforts in this commercial vehicle area with the State Department of Transportation and the Thruway. Jointly, we continue to perform thousands of inspections, somewhere in the neighborhood of 45,000 inspections last year. The out-of-service rates for our total MCSAP inspections for 1992 is 55.9 percent.

Mr. Ryan recently alluded to the DOT survey that was done which indicated nearly 50 percent of the loads checked did not meet all the securement regulations. So, from a law enforcement perspective, we have a problem with compliance. Certainly, there is a need to continue this enforcement effort to improve compliance.

In addition to the enforcement component, I agree with Mr. Ryan that education is an important aspect of the commercial enforcement details. We instruct our commercial vehicle enforcement personnel to take the time to inform the drivers of current regulations and how to comply with them. On many occasions troopers and DOT inspectors are asked to address trucking industry trade groups regarding State and Federal regulations on topics such as load securement.

Highway safety and the reduction of loss of life and injury on our highways will always be a top priority of New York State Police and a top priority of law enforcement. I can assure you that the New York State Police will support legislative efforts that prevent the loss of life and promote highway safety.

You should be aware, I think, that in our experience there is a significant amount of commercial traffic entering New York State which originates from jurisdictions outside the State. There may be a need for new Federal regulations to ensure that necessary vehicle standards are implemented and enforced in an effort to make the highways of our State and the Nation safer for the motoring public.

Highway safety is a continuous effort involving the resources of the State and the Federal Government to prevent the needless loss of life. The New York State Police will continue to work with all government entities as well as the Commercial Vehicle Safety Alliance to assure uniformity throughout the Nation and neighboring countries, especially in light of the proposed North American Free Trade Agreement.

On behalf of law enforcement, Mr. Chairman, I appreciate this opportunity to address the committee.

Mr. BORSKI. Thank you very much, Captain.

The subcommittee has reviewed the accident reports for several of these accidents and, in general, they don't provide any indication of what was inadequate about the load securement. They don't say whether there were not enough chains or the chains weren't thick enough or the chains weren't tight enough or the chains were too worn.

It is very hard for the subcommittee to develop a strategy for fixing this problem when we don't know exactly what the problem is. Do your accident investigators investigate why the securement was inadequate? And, if so, why isn't this revealed in the investigative report?

Captain Masterson.

Mr. RYAN. I can start out, I guess.

Mr. BORSKI. Mr. Ryan.

Mr. RYAN. In fairness to the industry and to the carrier involved, it is very important to note that we investigated the vehicle after the October accident, and we believe that the cargo was adequately secured, and it was within the regulations for that accident. So that is a very important issue.

What we have found in many of the investigations of a number of the incidents is that two main factors take place: one, not enough chains or straps, and then, second, a serious issue is the effectiveness of the chains and straps that are being applied. Many are worn, broken, not up to full strength. Those two are the critical issues.

Also looking at the accidents, what we found is that speed is quite often a factor. You have to realize that these coils weigh from 40 to 50,000 pounds. The total weight is within one square foot on the trailer. The coil may extend six feet, seven feet into the air. If a vehicle takes—makes a turn or a movement at a higher rate of speed, it is very easy for that coil to shift, either leave the trailer, or tip over the entire vehicle. So speed is a very common factor in these accidents.

Mr. BORSKI. Captain Masterson.

Mr. MASTERSON. There are three basic components to the securement equation. One is the friction that exists between the load and the trailer itself, and then the blocking mechanisms that are used, and certainly the tiedowns which probably are the most important issue.

In the one accident where the driver was killed with the steel tubing coming through the headboard, there was a problem with the tiedowns. The metal interacted with some fabric type tiedowns and cut the fabric tiedowns, and it went right through the compartment.

I agree with Mr. Ryan that in the October accident there was not a load securement problem per se. However, a combination of circumstances and crash dynamics occurred that day that killed these people. I mean, the chains were actually sawed off on the barrier that existed. So once these things migrate from the trailer, they are like a tank.

Mr. BORSKI. Let me ask you each not just about the accidents but what about the vehicles that are taken out because of violations? Is there an analysis then of why they are taken out?

Mr. RYAN. We have begun to do analyses. In New York, we are also collecting information far in excess of any other State in the country. We are breaking down the type of commodity by metal versus aluminum, coil versus other types of products. What we are finding—and again, as I said, we have just begun an analysis of the data—is that, as I said to you, first, not enough of the tiedowns, and then, second, the condition of the tiedowns that are being used. Those are apparently the two major problems, with the tiedown deficiency.

Mr. BORSKI. Mr. Ryan, you mentioned in your statement, but let me ask you this specifically. In your experience—and Captain, I should say if you could respond also—is the average driver hauling these kind of loads capable of determining whether the load is adequately secured? And would it help to have a separate endorsement on the driver's license for these drivers?

Mr. RYAN. We had the same question, and we continue to have the same question, Congressman, to be quite honest with you. I have spent, as you can imagine, in the last four or five months an inordinate amount of time in Buffalo. I have looked at an awful lot of trucks, an awful lot of steel, one day with the Congressman, talked to an awful lot of drivers.

I find in talking to my staff, again, a mixed bag. In many cases, the driver doesn't fully understand the regulations. That is a very common thread. The other, most ironic and saddest thing to uncover is that in almost every case the vehicle has on it other tiedown devices, straps or chains are not being used.

So once we identify the violation and inform the driver, place him out of service, in a matter of moments, he is—he places these additional devices on the equipment, and he is legal. So it is in many cases a lack of understanding of the regulations.

The other factor we found is complacency. Many of these operators and drivers carry the same equipment over the same route day after day after day, and complacency breeds unsafe habits. Unsafe habits cause accidents.

So we also find a complacency problem, along with the ignorance problem, so it is a combination of both. Which is more serious than the other, I truly couldn't say. I don't think that we have to rate them. I think we know that they are both serious, and we have to attack both of those problems.

Mr. BORSKI. Captain Masterson.

Mr. MASTERSON. We are in the law enforcement business. However, the CDL concept which Mr. Ryan espouses I think is a good one. The professional trucking operations in the country, and there are many of them, go to great lengths to educate their drivers. Some of the other individuals that are operating trucking operations independently sometimes, perhaps, are not as well educated. There needs to be a constant reinforcement, which I am not sure happens all the time.

Mr. BORSKI. The Chair recognizes the gentleman from New York, Mr. Quinn.

Mr. QUINN. Thank you, Mr. Chairman.

I want to begin by thanking both the gentlemen and pointing out to the committee and those in attendance here that we have two gentlemen representing two different organizations, the New York State Department of Transportation and the State Police, and yet, both of these men in their offices have cooperated unbelievably in New York as we have looked at this problem, and I appreciate that very, very much.

I also want to point out, as Administrator Slater said, that he is looking forward to some research money possibly for New York State, and, as Mr. Ryan as mentioned, the work he has put into this and the State Police over the past few months, that we hope that New York can take a lead in this and possibly become a model for some of the other States in the country when we are finished with the end product.

Mr. Ryan points out, Mr. Chairman, that when we had put a truck out of service for improper securement, and chains were used, that there were 8, 10, 12 other chains hanging on the truck not being used. When he was cited, it took him about 15 minutes

to put those chains on the right way, and he went on his way. And there was more than one instance of that when I happened to be present that morning.

Mr. Ryan, we have heard some discussion—Mr. Slater mentioned this morning in his earlier remarks that some facets of the industry have made suggestions to him, and he is looking at it at the moment, that perhaps transportation of steel coils should be restricted to a cradle-type apparatus, rather than additional chains and/or straps and the rest of those things. Has the Department made any suggestions to that? Have you taken a look at that? Is there a possibility we should be looking at that, too?

Mr. RYAN. First of all, Congressman, the cradle-type trailer is already allowed within the regulations. That would not be new, the issue as to whether to restrict the transportation to that type of vehicle.

Again, we believe that that sort of decision should be made at the Federal level because of the interstate nature of the operation, with caution to not unduly burden carriers or the trucking industry nationwide. Many, many truckers currently carry this equipment daily, thousands of times a year, in a perfectly safe fashion.

As the Congressman from California said, you know, we would urge you to go very slow in coming up with a regulation which would be restrictive to the industry and place many trucking companies out of business and make it very difficult to move the product.

Mr. QUINN. Thank you.

Mr. RYAN. That is a concern I share with Mr. Baker from California, that this Congress and this committee and its Members don't become burdensome; that we are looking at a change in regulations with some wording, and if we could get some education and training to get those chains that are on the rigs on the steel coils, we might be able to do something short of adding burdensome legislation one way or another.

Thank you for that answer.

Major, when you were talking a little bit earlier about what you see in enforcement, when you have to clean up after these tragic accidents occur. We have mentioned that sometimes the truckers are not aware of the regulations. In your opinion, for those individuals who do pay attention to load securement, is there confusion?

I sensed that when I was there that morning doing inspections, once the trooper or the DOT people pointed out what had to be done, in a short period of time, it was corrected. Do you sense, Major Masterson, some confusion out there with the truckers?

Mr. MASTERSON. There may be some confusion, but the issue remains that the regulations exist. They are promulgated. People know that they can come to us or the DOT if they have questions. If they are truly interested, we can provide them with any information that they need. Any reputable trucking operation is going to make that attempt.

Mr. QUINN. Thank you very much.

Thank you, Mr. Chairman. That is all.

Mr. BORSKI. The Chair thanks the gentleman.

We want to thank our panel very much for coming in. You have been very helpful.

Mr. RYAN. Thank you, Mr. Chairman.

Mr. MASTERSON. Thank you.

Mr. BORSKI. We would like to welcome our next panel.

We have on our last panel Mr. Andrew Tsakos, Transportation Director of the Gibraltar Steel Corporation; Mr. John J. Collins, Senior Vice President for Government Affairs, American Trucking Associations. Mr. Collins is accompanied by Mr. Larry W. Strawhorn, Vice President, Engineering, American Trucking Associations.

Gentlemen, would you please rise and raise your right hands?

[Witnesses sworn.]

TESTIMONY OF ANDREW TSAKOS, TRANSPORTATION DIRECTOR, GIBRALTAR STEEL CORPORATION; AND JOHN J. COLLINS, SENIOR VICE PRESIDENT FOR GOVERNMENT AFFAIRS, AMERICAN TRUCKING ASSOCIATIONS, ACCOMPANIED BY LARRY W. STRAWHORN, VICE PRESIDENT, ENGINEERING

MR. BORSKI. Thank you. Mr. Tsakos.

Mr. TSAKOS. Mr. Chairman, Members of the committee, the regrettable event that took place in October of 1992 where four people lost their lives in the New York——

Mr. BORSKI. Mr. Tsakos, would you adjust that microphone? That is much better, thank you.

Mr. TSAKOS [continuing]. Is certainly a tragic accident. We at Gibraltar Steel support the current stepped-up enforcement by transportation personnel of the New York Department of Transportation, and we also applaud the efforts of our New York State Legislature and this subcommittee for their concern.

I think it is relevant here that we should not lose sight of the fact that the number of fatal accidents involving trucks declined by more than 9 percent from 1985 until 1990. During the decade of the 1980s, the 10-year span from 1980 to 1990, that decline was 11 percent, and that is since deregulation and the Motor Carrier Act of 1980, while the number of miles driven by these large trucks in that 10-year span actually increased by 36 percent.

In my own home State of New York, the decline in fatal accidents involving large trucks was even more pronounced, almost 19 percent between 1985 and 1990.

Currently pending in the New York Legislature is Assembly Bill 5976 and Senate Bill 3472 which would require additional apparatus to transport steel coils in the State of New York. Does it then follow that it is also possible for the State of Pennsylvania to enact different laws? Maybe New York and New Jersey and West Virginia ought to have some separate laws themselves.

Since most of the steel coil transportation logistics is interstate in nature, these securement procedures must be consistent from State to State and be formulated on a Federal basis as they always have been.

At the same time, it is necessary that we remain sensitive to the needs of industry and commerce. Special apparatus or inconsistent State regulations forced on the trucking industry will definitely diminish competition and increase costs to a very beleaguered steel industry.

Federal Motor Carrier Safety Regulations 393.100—Protection Against Shifting of Falling Cargo—are explicit and, if enforced consistently and nationally, are very adequate. Penalties for failing to comply should consist of a point system very similar to speeding violations now, a point system tied to the driver's CDL and possibly an increase in fines. This point system would place the driver's CDL in jeopardy after a specified number of occurrences.

The stepped-up enforcement that I made reference to earlier in western New York supposedly placed 48 or 50 percent of the trucks inspected out of service, mostly based on securement procedures. However, New York is not conducting these inspections per Federal regulations, choosing rather to use Commercial Vehicle Safety Alliance guidelines.

This situation must be remedied in order to allow the shipper, carrier and the inspector to all read the same regulation. Confusion abounds in this area, not only with drivers, but with the courts. I know of at least five incidents where drivers have been issued a summons for insecure load where the charges were simply dropped in court. The secret to success is consistent Federal regulations and enforcement, enforcement, enforcement.

It is also important to note here that a certain degree of flexibility be attached to these Federal regulations or CVSA guidelines if adopted. Innovations in the shipping of steel coils by carriers and/or shippers should have a form at the State or Federal level to gain approval.

I have been the Director of Traffic Operations for Gibraltar Steel Corporation for the past 10 years. In that time, our three major facilities have received and shipped a total in excess of 3 million tons of coiled steel on some 145,000 trucks. We have incurred eight incidents where cargo has fallen from a truck—none of them fatal, I might add. But if you figure out the percentages, that is 5.5 thousandths of 1 percent. We have to keep this whole thing in perspective.

In closing, we at Gibraltar again support complete enforcement of all Federal securement procedures and offer our assistance to that end.

Mr. BORSKI. Thank you, sir.

Mr. Collins.

Mr. COLLINS. Mr. Chairman, Mr. Quinn, my name is John Collins, Senior Vice President for Government Affairs, American Trucking Associations. I am joined today by Larry Strawhorn, who is our Vice President of Engineering. I welcome the opportunity to speak to you today concerning the steps the trucking industry is taking to reduce the number of accidents involving falling cargo.

ATA, the American Trucking Associations, is the national trade association of the trucking industry. We represent all types and sizes of motor carriers from small, mom-and-pop operations to giant companies that are household names. The trucking industry isn't really a single industry at all. It is composed of different kinds of companies from giant general commodity carriers like United Parcel Service, to specialized carriers who transport steel, to agricultural transporters.

ATA is aware of the load separation accidents that occurred within New York this last year. We welcome the subcommittee's

action in holding this hearing. We really think, as we have all seen today, you have already succeeded in putting a tremendous amount of focus into these activities. We also applaud the efforts Congressman Quinn has taken to really be a catalyst for all of this.

I would like to begin by putting some numbers around the problem and echo some of the points that were just made by the witness and also earlier by Administrator Slater.

Accident statistics from the Federal Highway Administration show that non-collision accidents involving shifting or falling cargo represent only about 1 percent of all reportable truck accidents and occur with a frequency of about one in every 500 million miles. And 500 million miles is five trips to the sun, so that is a very small frequency.

From the FHWA data, we can see that improper load securement is a rare cause of injury or death. But, as we are all aware, whenever there is an accident, the loss is tragic. We are very concerned that any improperly secured load is a potential hazard. It is for that reason that we have been very involved with the Commercial Vehicle Safety Alliance, CVSA, which is a national association of State and local enforcement officers involved in ensuring that trucks follow the legal requirements.

Under the leadership of CVSA we have developed Cargo Securement Guidelines. We have developed roadside inspection out-of-service criteria, a tiedown calculator, training videos which are designed to aid and teach people on how to do it right. This really is a concerted industry and enforcement agency effort, and we have been working very cooperatively on it. We take these CVSA materials and make them available to our members at nominal cost and urge truckers to follow them.

From our standpoint, Mr. Chairman, there are really two problems that give rise to the load securement accidents. The first is with carriers who don't understand what the rules are. The second is with carriers who understand what the rules are, but, for whatever reason, the carrier or the driver doesn't follow them.

We believe the answer to both of these problems is: better education so that people understand what the rules are, and tough, aggressive enforcement to make sure that no one takes a shortcut on safety by cutting costs or being complacent.

A very key part of our education effort is to make sure that carriers and the enforcement community understand the right way to secure loads.

With this background, let me turn to each of the four issues that you raised in your letter of invitation.

The first issue you raised was what is the adequacy of the current Federal load securement regulations? From our standpoint, we think the regulations that are on the books are adequate. They are written in terms of performance standards. Performance standards are great because they describe what the end result you want is.

For example, with this cup, I might write a performance standard for this cup and say I want a cup that is capable of carrying one and one-half times the weight of the water in it, and that would be a performance requirement.

If I wrote you a design specification, I would say I want a cup. I want it five inches high. I want it made of plastic. I want to be able to see through it.

The advantage of performance requirements is it gives the industry the goal and allows the industry to come up with a flexible way to meet the requirements. The problem, though, with performance requirements is that the carriers don't always understand what the requirements are.

Imagine if you were told to design a cup that holds one-and-a-half times its weight of water. You might not know where to start. You wouldn't exactly be able to grasp that in your head. That is the problem that the carriers face, because the Federal performance rules say that the tiedown has to hold 1.5 times the weight of the cargo that is being carried.

So what we are urging is that you leave the performance requirements the way they are, but the Federal Government should come up with uniform guidelines that give examples of what are the exact ways to comply with the requirements. It wouldn't set up the whole universe, but it would say for a load of such and such a weight, that means you need eight chains or you need 10 web tiedowns.

The second area that you asked about was device marking. You have heard a great deal today about the CVSA petition for working load limit. It is pretty obvious that in order to know how many load securement devices are necessary, you have to know the strength of each one. And, right now, that information is not clear. There is not a universal system of markings to designate the strength of the tiedown device itself.

As you have heard today, CVSA has petitioned the Federal Highway Administration to change the Federal rules from a system based on breaking strength of the tiedowns to one based on working load limit.

Our recommendation is that FHWA should move forward very aggressively to adopt a strength rating which manufacturers will then use to mark all of their new tiedown devices. That information is essential to our end of the industry.

The third area you asked about was research. In order to improve the rules and guidelines that are on the books right now and that are being developed, we really need some more basic information on how things like friction, blocking and bracing help restrain loads. We have got a lot of the bare data, but we need more experience on what happens under different, loadings.

To gain information, the Canadian government plans this year to begin a major research effort into issues related to load securement. We and others are going to play a very active role in that. It obviously helps everyone.

In addition to the research being done in Canada, the Aluminum Association here in the United States is developing a project to improve load securement. What they are going to do is to develop a computer program where you can put in the type of coil that is being used and look at the load securement devices to make sure that the tiedowns will work adequately.

Along with the work going on in Canada and by the Aluminum Association, many shippers, such as the auto industry, have accept-

ed a degree of responsibility for the securement of products in shipment. Unfortunately, some shippers have taken the attitude that load securement is totally a carrier's responsibility.

Mr. Chairman, you raised some very good points about what should be the responsibility of shippers in load securement. It is obvious that when a 10,000 pound coil is being loaded on a truck trailer that the driver isn't doing it himself. The shipper has a crane to load a 10,000 pound item on a truck. It physically can't be done by the driver. So the shippers are already partially responsible for loading. But what happens is, once it is loaded on the trailer, they want the carrier to assume complete responsibility for the shipment.

Our problem is that the item that is being loaded has its own strength points. There are ways to tie that item down that are stronger and smarter than other ways, and the shipper can bring an awful lot of knowledge to the table. And the shipper who is sharing the responsibility of the load is also going to design the coil or the package in a way that it facilitates secure tiedown.

You asked Mr. Slater whether or not FHWA wanted to get into that arena. I can understand their concern. But, Mr. Chairman, the FHWA already has that role with hazardous materials transportation. They look back at shipper responsibility. Recently the Public Works and Transportation Committee, in 1990, created a law that makes shippers responsible for overweight containers.

So I think there is ample precedent to look back at the shippers. I am not saying it is uniquely a shipper responsibility, but there really is a shared responsibility to make the safest vehicles on the road.

Our recommendation is that all interested parties, including product manufacturers, motor carriers and the Federal Highway Administration, support the research being done in Canada and participate in improving securement techniques.

The fourth and last issue that you raised is further modifications to existing regulations. One of the problems we have right now is that there are three bodies of regulation, that cover truck load securement. One is the U.S. regulations. Canadians have their own regulations. There is a tremendous amount of back-and-forth transport. And there are also a separate set of rules in California.

For the most part, the rules are similar, but they do diverge in certain areas. Because the differences are subtle, the various changes can be traps for the unwary. They are basically the same regulations. They just need to be coordinated.

I would like to echo the points that many of the other witnesses have made, in fact, really all the witnesses, including the State Police and the Department of Transportation from New York. There is a need for a uniform solution. No State can go it alone, because the burdens on interstate commerce are too severe.

I would like to summarize by saying that the approaches we identified at the beginning as necessary for improving cargo securement, enforcement and education are being developed and defined. However, more needs to be done to improve coordination. Our hope is that this hearing this morning will cause all the parties to focus on the efforts that need to be done.

I think you have already gotten a stronger commitment from the Federal Highway Administration than we have been able to get to move forward with the CVSA petition. So we are already seeing some of the fruits that this hearing is having.

The American Trucking Associations will remain very active in efforts to improve cargo securement on trucks, and I look forward to answering any questions you might have.

Mr. BORSKI. Mr. Collins, thank you very much. Your statement was very thoughtful and very helpful.

Mr. Tsakos, I would be interested in your response to Mr. Collins' testimony, particularly on the proposal that shippers should assume similar responsibility for proper load securement. Is the loading and securement generally done by you or the carrier?

Mr. TSAKOS. The carrier does the securement. We in the steel business, especially in Buffalo, New York, deal with a wide range of trailers. They could vary across a broad range in length. They can also vary in their axle configurations and the statutory weight limits that these trucks might haul.

The loading of the steel coils is normally done by an overhead crane operator, and he places these coils where a driver tells him to place the coils. And that is absolutely necessary, because the driver is aware of the weights of the coils and dependent upon where he places that on the trailer to meet axle and overall gross weight statutory limits.

At the same time, it has been the driver's responsibility to make sure he was aware of the regulations and that the load was roadworthy.

I would like to give you a little—a little story along these lines. We had—and this was back in May of 1992, actually before the fatal accident in October—but we actually developed a large sign which we were going to place in the shipping departments of all of our plants. And this large sign was based on the November 1975, edition of the National Welded Chain Manufacturers, which originally developed one-and-a-half times breaking aggregate, static breaking strength, et cetera, that the Federal regulations are made up of.

In any case, this sign—a lot of these chain manufacturers will put out an informational little wallet-sized card which shows a size and grade of chain, the weight of the coil being transported, and how many chains are required. We literally copied that on a large sign which was going to be placed in the shipping departments of our various shipping locations.

After a visit by the Department of Transportation, I was advised to take it down. Because if I was not willing to enforce it—we had it there strictly as an informational type of guideline for the drivers. If I was not willing to enforce it, then I could be dragged into court, along with any carrier, since the regulations were posted.

So, I mean, we at Gibraltar Steel are a very community-minded operation here, but that was an expense that we really didn't have to incur. And we were advised to take it down.

Mr. BORSKI. You were advised by the Federal Highway Administrator?

Mr. TSAKOS. No. By the New York State Department of Transportation.

Mr. BORSKI. New York State.

Mr. TSAKOS. Being a shipper and a carrier, I don't—the regulations are confusing enough right now.

My stand would be that while we would do everything humanly possible to make sure a driver was aware of the regulations, I don't think it is our job to see that—he does not work for us. He does work for a separate entity, and that is a trucking company.

Mr. BORSKI. Well, let me ask, is the average driver hauling your steel capable of determining whether the load is adequately secured? Do your personnel need to keep up with the shipping properly?

Mr. TSAKOS. With the regulations and enforcement that is going on today, I am not so sure, Mr. Chairman, that anything is too clear out there. We have got Federal regulations. We have guidelines.

I am not absolutely certain what the difference is for the type of chain that we are using on our trucks, which is a very popular topside type chain. It is called the Grade 70 binding chain. If you read the Federal regulations and you were going to ship a coil that weighed 39,400 pounds—or −600 pounds—if you read the Federal regulations from 393.102, the law states that the aggregate static breaking strength of the tie-down assemblies, used to secure a material for movement in any direction, must be at least 1½ times the weight of the article.

So if we were shipping a 39,600 pound coil, that would equate to a 59,400 pound coil per the Federal regulations as they stand. And it would require three Grade 70, 3/8 binding chains to secure that load.

If you go to the CVSA guidelines, which states that instead of a static breaking strength you use a double working load limit, you would also be required to have three, Grade 70 binding chains to secure a coil that weighed 13,600 pounds.

So the regulations—another point that I would like to make here is that in New York State in 1991, there were 40,500 safety truck inspections performed. That amounts to 110 a day. And, by God, I have more than 110 trucks pass my window in an hour everyday.

Ohio performs—excuse me—75,000 such inspections and New York performed 40,500.

I think that—it is very similar to us driving our own passenger car, if we see a police cruiser, everybody suddenly falls to the speed limit; or if we know that a certain area is frequented by radar, everybody slows down.

If the driver knew there was a 50 percent chance that he was going to get inspected between Buffalo and Chicago, by God, he would learn the regulations and live by them.

Mr. BORSKI. Let me ask one final question. Do you think there should be a separate endorsement on CDL for knowledge of load requirements?

Mr. TSAKOS. I do. I think that very few items of cargo are hauled that way, more than the truck and trailer itself. And steel is one of those items. And a separate CDL regulation, I think, is definitely in order.

Mr. BORSKI. Mr. Collins, would you comment on that?

Mr. COLLINS. Yes, Mr. Chairman. The question on the CDL endorsement?

Mr. BORSKI. Yes, sir.

Mr. COLLINS. Mr. Chairman, based on this hearing, we are going to go back to the Federal Highway Administration and to the group that actually administers the driver's license, the American Association of Motor Vehicle Administrators, and urge not just an endorsement for steel but really go back and beef up the whole section on load securement. We have been focusing today on steel; but a bulldozer, on a flat bed, is also a concern. We heard about a horrible accident where steel pipe went through the headboard and killed the driver.

So it is not only an issue of steel coils but really the overall issue of load securement. Every driver is going to be carrying cargo at some point that needs to be secured very carefully. We need to beef up that whole section. It shouldn't be on an exception basis.

Mr. BORSKI. Mr. Quinn.

Mr. QUINN. I want to thank Mr. Tsakos for making the trip from Buffalo, New York, to the Nation's Capital. Your testimony was very, very helpful to us, both of you.

I want to get back a minute, Mr. Tsakos, to this confusion that is out there. I think that, as we heard from the witnesses and the Members questions today, what we are hearing over and over again, either from law enforcement, the truck industry, or whoever it happens to be, that there is some confusion out there.

When asked by the Chairman whether or not we think our own drivers know enough about it, there is some hesitancy there.

And certainly with a sign that you might post in the shipping department or the potential litigation the way it is, may have caused some hesitancy there. But with your own drivers, you instruct and educate them through in-service and yet we have heard from everybody that there still seems to be some confusion out there.

That is precisely why I feel that this is a Federal issue, that if this subcommittee and the full committee and the FLA or the Department of Transportation is going to make some changes, they better make it with the best information possible, with everybody at the table talking about it so that we reduce as much of this confusion as possible. I have listened to both of you this morning as well as the other witnesses.

We also heard when we began this morning that this is the first step—and a beginning to get some action from the FLA, I think.

Coincidentally, the bulletin was issued on the way over this morning. As a former school teacher, when you mention that there is going to be a test the next day, they all open up the book. But I think it is a first step. And I think that we need to look at much of what has come before us today.

I thank the gentleman and the Chairman especially of the subcommittee for taking his time.

Mr. BORSKI. All right.

There being no further questions, we want to thank our panelists very much for your help.

And this subcommittee hearing is adjourned.

[Whereupon, at 12:07 p.m., the subcommittee was adjourned.]

Before the

SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

JULY 27, 1993
WASHINGTON, DC

Statement of the

AMERICAN TRUCKING ASSOCIATIONS

On

TRUCK INCIDENTS AND ACCIDENTS INVOLVING SHIFTING OR FALLING CARGO

John J. Collins
Sr. Vice President, Government Affairs
American Trucking Associations
2200 Mill Road
Alexandria, VA 22314-4677

I am John Collins, Senior Vice President, Government Affairs with the American Trucking Associations. I am accompanied today by Larry Strawhorn, ATA's Vice President of Engineering. I welcome the opportunity to present testimony concerning the trucking industry's perspective on truck incidents and accidents involving shifting or falling cargo.

ATA, the national trade association of the trucking industry, represents every type and class of motor carrier, for-hire and private --- regulated and exempt-- through its 51 affiliated state trucking associations, organizations, conferences, and thousands of individual motor carriers.

The motor carrier industry is not a single industry---rather, it is a collection of industries, from truckload to less-than-truckload, from general freight carriers to specialized carriers such as steel transporters, from coast-to-coast delivery to local pick-up and delivery service. The trucking industry is comprised of more than 260,000 firms and accounts for 77 percent of all freight transportation revenues in this country. The public and the American economy depend on truck transportation to provide the goods, services and materials that move America.

ATA is aware of incidents of load separation occurring within New York this past year. We welcome the Subcommittee's decision to take a broader look at this situation to see if there is a national problem. We too have had concerns about load securement and are pleased to share our thoughts on this matter.

PROBLEM SCOPE

Accident statistics from the Federal Highway Administration's Office of Motor Carriers (FHWA/OMC) show that in 1980, 274 cases of non-collision accidents involving shifting or falling cargo were reported out of a total of 108 billion miles of travel and 28,220 accidents. In 1990 the figures were 303 incidents out of 35,805 accidents in 150 billion miles. This all distills down to roughly 2 load securement accidents every billion miles or 1% of the accidents reported.

ATA INVOLVEMENT

Clearly, from the FHWA/OMC data, improper load securement is not a major source of death and injury related to trucking operations. However, improperly secured loads are always a potential hazard. Moreover, we are

aware that carriers have concerns about restraining loads properly and, therefore, we have been involved with this issue for quite some time. We are working closely with the Commercial Vehicle Safety Alliance (CVSA), a national group of safety enforcement officials. With CVSA, we have developed Cargo Securement Guidelines, plus roadside inspection out-of-service criteria, and a tie-down calculator and training video which are designed to aid and teach persons about using the guidelines and criteria.

These CVSA materials are made available to our members at nominal cost through the ATA's Safety Management Council.

PROBLEM DEFINITION

We see two basic problems. One is with carriers who don't know the best securement techniques. The second is with carriers who do not use the best techniques.

The answer to both these problems is better education and better enforcement. A key part of this effort is cargo securement guidelines which enable both inspectors and carriers to recognize acceptable cargo restraint practices. With this background, let me turn to each of the four issues that you raised in your letter of invitation.

Issue No. 1: The Adequacy of Current Federal Load Securement Regulations

The rules behind load securement training and enforcement activities are found in Federal Motor Carrier Safety Regulations (FMCSR) Sections 393.100-106. For the most part, these regulations are performance standards which promote innovation and provide latitude for changes to take place in both technology and cargo, without creating a need for their continual revision and expansion.

While performance standards are good in that they promote innovative technology, they do have a drawback. Their very broad nature, which makes them appropriate for different applications, keeps them from defining specifically what must be done in any given instance. Therefore, both those who load trucks and officials who inspect these loads need aids to determine if a specific securement arrangement meets the performance required by the FMCSR.

Recommendation: The federal load securement regulations are adequate but more detailed load securement guidelines are needed.

Much work has been and continues to be directed at helping inspectors and motor carriers analyze a particular load and provide appropriate securement for it. The following discussions will cover such efforts.

Issue No. 2: Device Marking: The CVSA Petition for Working Load Limit (WLL)

In order to know how many load securement devices are necessary, one obviously needs to know the capability of each device. Capability is a combination of capacity and condition. The CVSA load securement guidelines and their companion training video, plus the out-of-service criteria, give the information needed to judge condition. This material gets into such things as how badly rope can be frayed or fabric straps cut or chain worn before it loses significant strength.

There is, however, no universal system of markings to designate strength on the device itself. To help with this problem, CVSA has petitioned FHWA/OMC to change the FMCSR from a system based upon breaking strength to one based on working load limit (WLL).

Breaking strength means the device will quite likely fail at that load, hence, one should not use it at that level. Manufacturers are concerned about marking their devices with breaking strength because they believe that persons will not understand what such a rating means and will assume the device can be used at that load.

The WLL incorporates a safety factor and it is entirely proper to use the device at that load. Suppliers are, therefore, comfortable using WLL as the basis for marking the capability of their products.

The CVSA petition asks that FHWA/OMC rewrite the FMCSR in terms of WLL but to do so in such a way that the number of load securement devices is unchanged from today's requirements. Given this change, it is expected that manufacturers will begin marking all new equipment so anyone can tell its capability. FHWA/OMC has granted CVSA's petition but has not yet opened a docket to change their rules.

Recommendation: FHWA/OMC should move forward quickly to adopt a strength rating which manufacturers will mark on all new load tie down assemblies.

Issue No. 3: Research Efforts to Improve Cargo Securement

While the CVSA load securement guidelines, tie-down calculator and training video go a long way toward helping both carriers and inspectors know how to properly secure a load, they do not cover all of the issues. In order to improve the rules and guidelines, basic data is needed on how things like friction and blocking and bracing help restrain loads.

To gain needed information, the Canadian government, primarily led by the Province of Ontario, plans this year to begin a major research effort relating to load securement. There is a panel of advisors to help review both the project plans and actual work and ATA is represented on that panel. Specific items scheduled to receive laboratory attention include:

anchor points	dressed lumber
tie-down assemblies	metal coils
blocking	other commodities
friction	development of regulatory principles

Beside the research in Canada, the Aluminum Association in the United States has had Dr. Richard Perkins, a mechanical engineering consultant and professor at Syracuse University, develop a project for them aimed at aluminum coil securement. This work will ultimately enable one to test a load securement system by computer to determine if it is adequate.

Along with the work going on in Canada and by the Aluminum Association, certain manufacturers have accepted a degree of responsibility for the securement of their products for shipment. The automobile manufacturers and auto haulers have a long history of working together to assure new cars and trucks are safely shipped. Also, Caterpillar Tractor Company has developed a very detailed product handling guide. Other companies and industries should also increase their efforts in this regard and they should participate in appropriate research.

Unfortunately some companies have taken the attitude that load securement is totally a carrier's responsibility. Such companies make things much more difficult for carriers who are trying hard to do a good job. One must know how strong certain cargo is and how to use that strength to properly load it. Without manufacturer input both through designs to accommodate loading and in establishing proper loading practices, carriers are often forced to guess about the best way to secure products.

Recommendation: The research being conducted in Canada is of great importance. All interested parties, including product manufacturers, motor carriers and FHWA/OMC should support this work.

Issue No. 4: Further Modifications to Existing Regulations

Once the research being conducted in Canada is finished, a major effort is needed to harmonize load securement regulations. There are three primary North American standards in existence today. These are the Canadian and U.S. regulations, which have already been mentioned, and the California Loading Regulations. For the most part these rules are all similar but they do diverge in certain areas. The U.S. federal regulations are performance-oriented as previously discussed. The rules from Ontario and Canada tend to be more product specific than the U.S. FMCSR but they have performance aspects. California, on the other hand, has very specific cargo rules.

There are differences in the regulations because of factors inherent in load securement. For example, the California rules for securing hay appear to require rope of less strength than called for by the federal regulations. This is because California factors in the securement achieved by interlocking the individual bales of hay.

In Canada, a safety factor of three is called for while the FMCSR only appears to require a factor of 1½. Here, Canada recognizes the pulley effect while the FMCSR does not. The pulley effect is a principle from physics which provides that a pulley having a chain rated at 500 lbs. extending down from both of its sides can carry a load of 1000 lbs. This same principle works for a load tie-down device. A chain rated at 500 lbs. and fastened on both sides of a load (500 lbs. on each side, just like the pulley) can restrain a 1000 lb. load. By not recognizing the pulley effect, the FMCSR has a hidden safety factor of two which multiplied by the stated factor of 1½ equals the Canadian factor of three. Three is the factor the load securement device manufacturers use to go from WLL to breaking strength.

Because they are subtle, the differences in the various regulations can be very confusing to the layman. Because they are so similar, there is little real conflict between the various rules but a thorough harmonization is needed to clear up the confusion now being created.

Recommendation: All existing state and federal load securement regulations must be harmonized.

SUMMARY AND CONCLUSIONS

The two factors we identified at the beginning of this discussion as necessary for improving cargo securement, enforcement and education, are being developed and refined. We believe that all the work needed to improve the practice of tieing loads down to trucks is being done. However, more could be done to improve coordination.

Our hope is that this hearing will cause all parties to focus on the issue in a coordinated manner. We believe FHWA/OMC should ask other states to do field studies similar to those done in New York, where the State Department of Transportation has conducted special inspections of cargo loading, to better document where today's problems lay. Further, we hope FHWA/OMC will work with Canada as the basic research for this issue is conducted and provide any supplemental funding that the research in Ottawa may require.

The American Trucking Associations will remain very active in efforts to improve cargo securement on trucks by continuing to work through CVSA to develop more user friendly cargo securement guidelines; participating in the research effort in Canada; and encouraging California, Canada and the U.S. to begin to harmonize their rules, once the necessary background data is developed in Canada. We will also continue to promote the distribution and use of CVSA's package of cargo securement guidelines and training aids.

Thank you, Mr. Chairman. I would be pleased to answer any questions.

TESTIMONY OF CAPTAIN CRAIG R. MASTERSON
NEW YORK STATE POLICE
TRAFFIC SERVICES

HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT

JULY 27, 1993

WASHINGTON, D.C.

Mr. Chairman and Members of the Committee:

I want to thank you for the opportunity to address the committee on an important highway safety issue, the proper securement of commercial loads, in particular, loads of coiled sheet metal and steel tubing, transported by motor carriers over the highways of our nation.

The New York State Police has primary responsibility for enforcing traffic laws that govern the safe operation of commercial vehicles on New York's interstate highway system. The recent series of tragedies resulting from steel coils and steel tubing becoming dislodged during accidents is disturbing, and a cause of serious concern for the New York State Police. These metal coils can weigh anywhere from 2.5 - 35 tons. An unsecured load of this weight can have serious consequences for highway safety. Admittedly, tractor/trailers transporting coiled sheet metal are involved in fewer accidents than passenger cars. However, the increased probability of serious injury or fatality is far greater when a commercial vehicle carrying thousands of pounds of coiled sheet metal or steel tubing is involved in a highway accident.

The fact is that there are sufficient loads of this material which become dislodged each year for this issue to be a serious concern for the public, shippers, truckers and law enforcement. We have experienced a steady increase in the number of violations issued for loss of shifting cargo nationally since 1988.

The probability of an accident is compounded when carriers, shippers, and drivers are not in compliance with the current laws governing load securement. It has been our experience that often these individuals are not aware of the regulations concerning load securement of coiled sheet metal and steel tubing, or choose to ignore them.

This fact has been emphasized in New York State in recent months as a result of fatal accidents involving commercial motor vehicles transporting coiled sheet metal and steel tubing. The Buffalo, New York area has a high volume of commercial vehicle traffic transporting coiled sheet metal and steel tubing, due to its proximity to Southern Ontario and Western Pennsylvania. Western New York is a very industrialized area and, thus state highways and Interstates such as the New York State Thruway, have a heavy volume of commercial vehicle traffic. Here are some recent examples of accidents in this region that illustrate the inherent risk in the transport of these items on heavy trucks.

1. October 5, 1992, 7:13 AM on the New York State Thruway, Interstate 190, City of Buffalo, Erie County, four people lost their lives in a tragic accident involving the transportation of steel coils by a tractor trailer tandem combination. These trailers carried over 83,000 pounds of steel coils and as a result of the accident 38,000 pounds of steel coils dislodged from the second trailer causing the deaths of four people.

2. January 6, 1993, 11:00 PM on SR 75, Town of Hamburg, Erie County, a 36,540 pound roll of steel dislodged from a flatbed trailer and fell onto the roadway. Fortunately, no one was injured in this incident.

3. March 25, 1993, 6:15 AM on I-90, the New York State Thruway, Town of Sheridan, Chautauqua County, a flat bed trailer transporting steel tubing was involved in a rear-end collision with a tank truck. As a result the steel tubing carried was dislodged and shifted forward through the headboard into the driver's compartment, killing the driver instantly. An inspection of the vehicle revealed that the steel was inadequately tied down.

These accidents have claimed the lives of five people. Troopers from the New York State Police Motor Carrier Safety Assistance Program were involved in the investigation of all these accidents.

I would like to now address the issue of how law enforcement officials, in particular, the New York State Police, currently enforce commercial vehicle laws.

The New York State Police and the Department of Transportation have dedicated units of trained personnel that are qualified motor carrier safety inspectors. These specially trained

Troopers and inspectors work full time in enforcing all the New York State Transportation Laws, in addition to the Vehicle and Traffic Law that deals with Commercial Vehicle Enforcement. The unit was created in 1986, through Federal MCSAP funding, and has more than doubled in size since then. The number of commercial vehicle inspections has increased concurrently with the manpower dedicated to the Motor Carrier Safety Assistance Program (MCSAP). Members of the State Police MCSAP unit are always available to assist other law enforcement agencies throughout the state. State Police MCSAP personnel are strategically assigned throughout the state in areas that are heavily utilized by commercial vehicle traffic, and also conduct operations on the rural state routes often travelled by those attempting to avoid inspections.

Presently, we coordinate our enforcement efforts in the Commercial Vehicle area with the State Department of Transportation and the New York State Thruway Authority. Jointly, we continue to perform thousands of commercial vehicle inspections each year. Our out-of-service rate from our MCSAP inspections for 1992 was 55.9%. A recent study by DOT on load securement indicated that nearly 50% of loads checked did not meet all securement regulations. The New York State Police will continue to enforce existing regulations vigorously.

In addition to the enforcement component, education is also an important aspect of the commercial enforcement details. We instruct our commercial vehicle enforcement personnel to take the time to inform the drivers of current regulations and how to comply

with them. On many occasions Troopers are asked to addresss trucking industry trade groups regarding state and federal regulations on topics such as load securement.

Highway Safety and the reduction of the loss of life and injury on our highways will always be a top priority of the New York State Police. I can assure you that the New York State Police will support legislative efforts that prevent the loss of life and promote highway safety. We would ask that any legislation also address the issue of transportation of steel tubing.

It has been our experience that a significant amount of commercial traffic entering New York originates from jurisdictions outside the State. There may be a need for new federal regulations to ensure that necessary vehicle standards are implemented and enforced in an effort to make the highways of our state and nation safer for the motoring public.

In conclusion, highway safety is a continuous effort involving the resources of state and federal government to prevent the needless loss of life. The New York State Police will continue to work with all government entities as well as the Commercial Vehicle Safety Alliance to assure uniformity throughout the nation and neighboring countries, especially in light of the proposed North American Free Trade Agreement.

I have outlined the problem as we see it from a police standpoint and mentioned some of the steps the New York State Police utilize in order to prevent such tragedies. We appreciate the Committee's efforts on this important highway safety issue and thank you for this opportunity to provide input on behalf of the New York State Police.

STATEMENT ON BEHALF OF COMMISSIONER JOHN C. EGAN
MATTHEW J. RYAN
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
BEFORE THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIZE

THANK YOU FOR INVITING US TO PARTICIPATE AT THIS HEARING, COMMISSIONER EGAN AND THE DEPARTMENT SHARE YOUR CONCERN REGARDING HIGHWAY SAFETY AND THE TRANSPORTING OF STEEL COILS IN PARTICULAR.

OUR DEPARTMENT HAS ADOPTED THE FEDERAL REGULATIONS WHICH CONTROL OPERATION OF COMMERCIAL VEHICLES INCLUDING THOSE REGULATIONS PERTAINING TO CARGO SECUREMENT.

DUE TO THE FACT THAT THE VAST MAJORITY OF COMMERCIAL VEHICLES OPERATE ON AN INTERSTATE BASIS, THE DEPARTMENT BELIEVES THAT REGULATIONS PERTAINING TO COMMERCIAL VEHICLE CONSTRUCTION AND OPERATION SHOULD BE CARRIED OUT AT THE FEDERAL LEVEL WITH SIGNIFICANT INPUT FROM THE STATES.

PRIOR TO THE TRAGIC ACCIDENT WHICH OCCURRED LAST OCTOBER, NEITHER OUR DEPARTMENT NOR ANY OTHER STATE OR FEDERAL AGENCY WAS AWARE OF THE SERIOUS PROBLEMS SURROUNDING THE TRANSPORTATION OF STEEL COILS AND OTHER STEEL PRODUCTS. WE IMMEDIATELY FOCUSED OUR INSPECTION EFFORTS TO DETERMINE THE MAGNITUDE OF THE PROBLEM. INSPECTION RESULTS VERIFIED THE SERIOUSNESS OF THIS PROBLEM. WE BEGAN TO CONDUCT SPECIAL INSPECTIONS ONE (1) DAY EACH WEEK AT THE PEACE BRIDGE IN BUFFALO WITH THE STATE POLICE AND IN THE TOWN OF HAMBURG WITH THE HAMBURG POLICE DEPARTMENT. WE HAVE NOW EXPANDED THIS EFFORT TO TWICE A WEEK. WE HAVE PROVIDED THE RESULTS OF EACH INSPECTION TO THE FEDERAL OFFICE OF MOTOR CARRIER SAFETY FOR DISTRIBUTION TO THE HOME STATES OF THE CARRIERS INSPECTED. WE HAVE ALSO INSTRUCTED ALL OF OUR STATEWIDE INSPECTION FORCES TO INSPECT ALL STEEL CARRYING VEHICLES AT INSPECTION SITES.

AS OF JULY 9, 1993, WE INSPECTED 892 VEHICLES AND PLACED 443 (50%) OUT-OF-SERVICE FOR IMPROPER LOAD SECUREMENT. THOSE FIGURES BREAKDOWN GEOGRAPHICALLY AS FOLLOWS:

GEOGRAPHIC AREA	INSP W/COMM	INSP W/VIO
NEW YORK	226	121 (54%)
CANADA	239	120 (50%)
OTHER	427	202 (47%)

AS RECENTLY REPORTED IN THE BUFFALO NEWS, OUR ENFORCEMENT EFFORTS ARE HAVING IMPACT. ALLOW ME TO READ A DIRECT QUOTE FROM A TRUCK DRIVER IN A BUFFALO NEWS ARTICLE DATED JULY 13, 1993: "NEW YORK HAS REALLY CRACKED DOWN AND ITS MAKING A DEFINITE IMPRESSION. I TALKED TO A LOT OF TRUCK DRIVERS AND THEY SAY IF YOUR COMING TO NEW YORK, YOU BETTER CHAIN DOWN." IT IS IRONIC THAT THIS DRIVER WAS PLACED OUT-OF-SERVICE FOR IMPROPER SECUREMENT.

- OUR INSPECTIONS UNCOVERED THE FACT THAT ELEMENTS OF THE INDUSTRY DO NOT UNDERSTAND CURRENT REGULATIONS. ADDITIONALLY, THIS IS A NATIONWIDE PROBLEM WHICH REQUIRES ACTION BY OTHER STATES AND THE FEDERAL GOVERNMENT.

NEW YORK STATE HAS ALREADY TAKEN THE FOLLOWING ACTIONS:

- WE HAVE REQUESTED THE FEDERAL OFFICE OF MOTOR CARRIER SAFETY TO INITIATE A MULTI-STATE ENFORCEMENT EFFORT TARGETING STEEL SECUREMENT. THEY ARE IN THE PROCESS OF DOING THIS.

- WE RECOMMENDED THE DEVELOPMENT OF AN EDUCATIONAL PROGRAM TO ASSIST THE INDUSTRY IN UNDERSTANDING AND IMPLEMENTING PROPER LOAD SECUREMENT. THEY AGREED AND WE ARE CURRENTLY WORKING WITH THE ALBANY OFFICE OF MOTOR CARRIER SAFETY IN DEVELOPING A FEDERALLY FUNDED PROJECT FOR THIS CARRIER EDUCATION PROGRAM. THIS PROJECT WILL BE CARRIED OUT WITH PARTICIPATION BY THE COMMERCIAL VEHICLE SAFETY ALLIANCE AND REPRESENTATIVES FROM INDUSTRY. WE BELIEVE THIS PROJECT IS CRITICAL TO BRING ABOUT INCREASED COMPLIANCE WITH THE REGULATIONS.

- WE RECOMMENDED THE FEDERAL AGENCY UNDERTAKE A RESEARCH PROJECT TO EVALUATE THE EFFECTIVENESS OF CURRENT FEDERAL CARGO SECUREMENT REGULATIONS. AGAIN, THEY HAVE AGREED AND HAVE STARTED THIS PROJECT AS A COOPERATIVE EFFORT WITH CANADA. I REPRESENT NEW YORK DOT AS A MEMBER OF THE PROJECT TEAM. OUR FIRST MEETING IS SCHEDULED FOR AUGUST IN TORONTO, CANADA.

- WE HAVE ASKED THE FEDERAL OMCS TO MODIFY FEDERAL REGULATIONS PLACING RESPONSIBILITY FOR LOAD SECUREMENT WITH THE SHIPPER IN ADDITION TO THE CARRIER. THIS WOULD BE SIMILAR TO CURRENT FEDERAL HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS. WE BELIEVE THIS IS CRITICAL SO THAT BOTH THE SHIPPER AND CARRIER ENSURE ADEQUATE SECUREMENT OF PRODUCTS. THEY ARE CURRENTLY REVIEWING THIS REQUEST.

- WE HAVE ALSO ASKED THE STATE DEPARTMENT OF MOTOR VEHICLES TO DETERMINE THE FEASIBILITY OF REQUIRING DRIVER TRAINING AND TESTING ON LOAD SECUREMENT AS PART OF THE COMMERCIAL DRIVER LICENSE PROGRAM. THIS COULD BE IN THE FORM OF A SPECIFIC CDL ENDORSEMENT, AGAIN, SIMILAR TO HAZARDOUS MATERIALS. AS CDL IS A NATIONAL PROGRAM THIS ISSUE SHOULD BE ADDRESSED BY THE FEDERAL GOVERNMENT.

- WE AGREE WITH THE COMMERCIAL VEHICLE SAFETY ALLIANCE PROPOSAL TO CHANGE THE MEASURE OF LOAD SECUREMENT IN FMCSR 393.102(b) FROM STATIC BREAKING STRENGTH TO WORKING LOAD LIMIT. WE ACTIVELY SUPPORT THIS REVISION AS MEMBERS OF BOTH THE CVSA VEHICLE AND EXECUTIVE COMMITTEE.

- THE DEPARTMENT'S TRUCK INSPECTION PROGRAM IS CARRIED OUT ACROSS THE STATE WITH THE STATE POLICE AND OVER 50 LOCAL POLICE AGENCIES. WE HAVE ALSO PROVIDED FUNDS TO THE DIVISION

OF CRIMINAL JUSTICE SERVICES FOR DEVELOPMENT OF A TRAINING MODULE ON COMMERCIAL VEHICLE ENFORCEMENT FOR THE TRAINING OF LOCAL POLICE AGENCIES STATEWIDE. THIS WILL ENSURE A COMPREHENSIVE STATEWIDE APPROACH TO COMMERCIAL VEHICLE SAFETY.

STATEMENT OF RODNEY E. SLATER, ADMINISTRATOR
FEDERAL HIGHWAY ADMINISTRATION
BEFORE THE
SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
U.S. HOUSE OF REPRESENTATIVES
JULY 27, 1993

TRUCK INCIDENTS AND ACCIDENTS INVOLVING
SHIFTING OR FALLING CARGO

Thank you, Mr. Chairman. I am pleased to be here today to discuss the important issue of cargo securement on commercial motor vehicles. I appreciate the opportunity to be here for this, my first appearance before a subcommittee of the House Public Works and Transportation Committee. I am glad that my first hearing before the Committee will address such an important safety issue, inasmuch as increased highway safety is one of the main objectives of myself, Secretary Peña, and the Clinton Administration.

As you know, some recent unfortunate incidents, particularly in the State of New York, involving cargo falling from commercial motor vehicles have brought increased public attention to cargo securement practices in the trucking industry and Federal cargo securement regulations. Of particular concern is the transportation of steel coils, which range in size from 5,000 to 40,000 pounds. Less than one percent of commercial motor vehicle accidents reported to the Federal Highway Administration (FHWA) in 1990 involved the loss of steel

coils or other cargo. But when these incidents occur, they present the possibility of tragic consequences.

The regulations for cargo securement are part of the Federal Motor Carrier Safety Regulations (49 CFR Part 393, Subpart I). Current cargo securement requirements were proposed in 1969. Under the 1969 proposal, each tiedown was required to have a minimum breaking strength of approximately 16,000 pounds. The final rule issued in 1971 resulted in the adoption of a performance-based standard, including the use of "static breaking strength" as a measure of tiedown performance capabilities. The current regulations require the static breaking strength of tiedown assemblies used to secure cargo to be at least one and one-half times the weight of the cargo secured.

The FHWA believes the current regulations provide effective containment procedures to assure the safe transportation of loads. The recent accidents in the Buffalo, New York, area appear to involve coils that were not secured in accordance with Federal regulations. We believe that this problem can be addressed through more focused enforcement of existing regulations and an increased effort to inform motor carriers involved in transporting these coils or other cargo about the requirements. I would like to summarize for the Committee how the FHWA is improving enforcement activities, public awareness, education and training, research, and our regulations.

Enforcement

States conduct 1.6 million roadside inspections of trucks and buses annually under the Motor Carrier Safety Assistance Program (MCSAP). We are working with State MCSAP personnel to target inspections at locations in the Northeast, Midwest and Mid-Atlantic areas

where metal coil transportation is especially common. Anticipated sites include: Buffalo, Baltimore, Pittsburgh, northern Indiana, eastern Michigan (the I-75 Corridor), and Ontario, Canada. We are working with State and Canadian provincial officials to schedule special roadside inspections (or "roadchecks") in these areas.

We believe this increased enforcement is justified based on the New York Department of Transportation's (NYDOT) recently conducted inspections, which I know the Committee is aware of, and the FHWA's participation in "Roadcheck '93." For 72 hours from June 8 through 10, safety inspections were conducted at about 300 sites in every State and Canadian province. Roadcheck '93 was coordinated by the FHWA and the Commercial Vehicle Safety Alliance (CVSA), which is composed of State, Canadian Provincial, and Mexican officials responsible for the administration and enforcement of motor carrier safety laws. Although we have not yet received enough data from the States to allow us to draw any broad conclusions, we have received figures from five States (Illinois, Michigan, Minnesota, Ohio, and Wisconsin) that concentrated their Roadcheck '93 efforts on load securement. Of the 416 flatbed vehicles checked (transporting metal coils or other metal articles), 86 were placed out of service for serious load securement violations.

Public Awareness

We have also embarked on other efforts to make our regulations more widely known. In conjunction with the NYDOT's special inspection program on load securement, we expect to publish a bulletin in early August on the accidents reported in the Buffalo area that will reemphasize the regulations on cargo securement and explain how to comply with them. This bulletin will be distributed to the general news media, the trade press, and to all motor

carriers listed in our national database as operating flatbed trucks and trailers. The bulletin was developed jointly by my staff and the CVSA.

Education and Training

I firmly believe that safety can be enhanced through increased education and training. While we are moving aggressively to enforce the regulations, we are also trying to ensure that drivers, motor carriers, safety inspectors, shippers and others understand the rules and know how to secure these loads. We will allocate MCSAP funds to New York this year to support a special cooperative effort with other States to identify cargo securement problems, particularly those involving steel coils. We expect New York to develop training packages that include printed materials and perhaps videos that could be used by other States in a nationwide effort to improve compliance.

Research

In the FHWA's five-year research plan, cargo securement was identified as a high priority area because of the increasing demand for the transportation of specialized cargos on commercial motor vehicles.

In early May of this year, Ontario officials invited the FHWA to review a research proposal they had developed for the Canadian Council of Motor Vehicle Administrators on better ways to secure cargo, including steel coils. After a review of this proposal by the FHWA and New York, I have instructed my staff to work with CVSA, New York, and Canadian officials to participate in the review and evaluation of this promising research effort. If the research proves fruitful, our goal is to incorporate the eventual results of this research into the CVSA's Uniform North American Inspection Standards and the FHWA's

regulations. The CVSA Standards are the bases for vehicle inspections performed in the U. S. and Canada and are being adopted by Mexico.

In addition, I recently received a proposal from a private company advocating the use of a "cradle" for transporting metal coils. Because of the specialized technical nature of this proposal, I directed that it be evaluated by the FHWA's Highway Innovative Technology Evaluation Center, which is part of our Turner-Fairbank Highway Research Center in Virginia.

Improving Knowledge and Understanding of the Regulations

As part of its program to improve the enforcement of cargo securement regulations, the CVSA petitioned the FHWA to incorporate the use of "working load limits" in the U.S. safety regulations. The concept of a working load limit would replace "static breaking strength" for the load rating of tiedown devices.

The working load is the mean ordinary load to which the tiedown is subjected. Generally, the working load limit is determined by taking the breaking strength of the tiedown and factoring in a margin of safety. The breaking strength is the rating at which any part of the tiedown fails. The CVSA believes that working load "limits" will make the tiedown regulations easier to understand, use, and enforce. Working load limits are a term more familiar to motor carriers and more commonly used to describe the performance capabilities of tiedown equipment than are static breaking strengths.

The FHWA granted the CVSA's petition on January 11, 1993. We intend to respond to this petition by publishing a notice of proposed rulemaking to request public comment on specific regulatory issues. The use of this rulemaking process will serve as a valuable tool in

keeping open the lines of communication between the FHWA and industry on a subject of great importance, increasing industry awareness about cargo securement requirements, and promoting a greater degree of understanding of and compliance with the cargo securement regulations. The working load limit may have greater promise of becoming a common international standard than static breaking strength.

We believe that the use of working load limits could result in a major improvement to the safety regulations. The use of working load limits would also promote a greater degree of compatibility between U.S. and Canadian safety regulations. Further changes may be needed depending on the results of the joint Canadian-U.S. research effort.

Given the potentially fatal consequences of an improperly secured load, as evidenced by several recent incidents, there is clearly a need for many motor carriers to reexamine the way they secure their loads. The FHWA has a responsibility to ensure that relevant language in the Federal regulations is clear and consistent with industry terminology as far as possible.

In closing, the FHWA believes this is an important safety issue and we applaud this Committee for the visibility it gives to the problem through this hearing today. We are increasing our enforcement, making the industry and public aware of the issue, pursuing research, increasing education and training, and working with the CVSA to make our regulations easier to understand.

Thank you for the opportunity to explore the cargo securement issue. I'll be happy to respond to any questions.

To: COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT

From: Andrew S. Tsakos
Director of Traffic Operations on behalf of:

Gibraltar Steel Corporation
635 South Park Avenue
Buffalo, New York 14210

The regrettable event that took place in October of 1992 where four people lost their lives in Buffalo, New York is certainly a tragic accident. We, at Gibraltar Steel, support the current stepped-up enforcement of transportation personnel by the New York Department of Transportation and applaud the efforts of our New York Legislature and this Federal Sub-Committee.

Currently pending in the New York Legislature is Assembly Bill 5976 and the Senate Bill 3472 which would require additional apparatus to transport steel coils in the State of New York. Is it also possible that Pennsylvania might pass its own legislation which could differ from New York? Should Ohio, New Jersey, West Virginia also develop their own versions of correct steel coil securement?

Since most of the transportation logistics is interstate in nature, these securement procedures must be consistant from state to state and be formulated on a federal basis as they always have been.

At the same time, it is necessary to remain sensitive to the needs of industry and commerce. Special apparatus or inconsistent state regulations forced on the trucking industry will diminish competition and increase costs to a beleaguered steel industry.

Federal Motor Carrier Safety Regulations 393.100 subpart I - Protection Against Shifting or Falling Cargo are explicit and if enforced consistently and nationally are very adequate. Penalties for failing to comply should consist of a point system tied to a driver's CDL and increases in fines. The point system would place the driver's CDL in jeopardy after a specified number of occurrences.

Since June 11, 1993, 753 inspections of commercial vehicles in New York State have led to 361 out of service vehicles. Supposedly, the vast majority of those placed out of service were due to load

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securement procedures. However, New York is not conducting these inspections per federal regulations choosing rather to use CVSA guidelines. This situation must be remedied to allow the shipper, carrier, and inspector to all read the same regulation.

I have been the Director of Traffic Operations for Gibraltar Steel Corporation for the past 10 years. In that time, our 3 major facilities have received and shipped a total in excess of 3 million tons of coiled steel on 145,000 trucks. We have incurred 8 incidents where cargo has fallen from a truck. Approximately .0055 of 1%.

In closing, we at Gibraltar support complete enforcement of all federal securement procedures and offer our assistance to that end.

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7/22/93

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ISBN 0-16-041781-3